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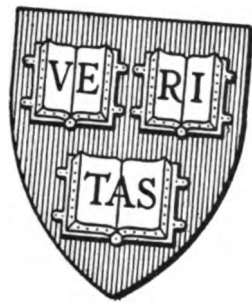
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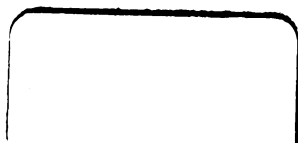
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B I L L S,

PUBLIC:

SIX VOLUMES.

—(6.)—

SMALL DEBTS

TO

WHITEHAVEN AND FURNESS JUNCTION RAILWAY.

Session

4 February — 9 August 1845.

6
VOL. VI.

1845.

BR DOC 650

B I L L S :

1845.

SIX VOLUMES:—CONTENTS OF THE SIXTH VOLUME.

N.B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Bill; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for *The House of Commons*.

Small Debts :

374.	Bill, intituled, An Act for the better securing the Payment of Small Debts -	p. 1
414.	(No. 3.) Bill, intituled, An Act for the better securing the Payment of Small Debts - - - - -	7
526.	Same [as amended by the Committee] - - - - -	13
566.	Same [as amended by the Committee, on Re-commitment, and on Report] -	23

Smoke Prohibition :

94.	Bill to prohibit the Nuisance of Smoke from Furnaces or Manufactories -	37
311.	Same [as amended by the Select Committee] - - - - -	47

Smuggling Prevention :

537.	Bill for the Prevention of Smuggling - - - - -	57
------	--	----

Spirits (Ireland):

474.	Bill to amend certain Regulations respecting the Retail of Spirits in <i>Ireland</i> -	107
------	--	-----

Stamp Duties, &c.:

516.	Bill to increase the Stamp Duty on Licenses to Appraisers; to reduce the Stamp Duties on Registry Searches in <i>Ireland</i> ; to amend the Law relating to the Duties on Legacies; and also to amend an Act of the last Session of Parliament for regulating the Issue of Bank Notes in <i>England</i> - - -	111
------	---	-----

Stamp Duties Assimilation :

59.	Bill to continue, for a further Term, the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, "to assimilate the Stamp Duties in <i>Great Britain</i> and <i>Ireland</i> , and to make Regulations for collecting and managing the same, until the Tenth Day of October One Thousand eight hundred and Forty-five" - - - - -	117
-----	--	-----

Statute Labour (Scotland):

205.	Bill for amending the Laws concerning Highways, Bridges and Ferries in <i>Scotland</i> , and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money - - - - -	121
321.	Same [as amended by the Committee] - - - - -	139

Stock in Trade :

503.	Bill to continue the Exemption of Inhabitants of Parishes, Townships and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor - - - - -	157
------	---	-----

Sugar Duties:

110. Bill for granting to Her Majesty, for a Term to be limited, certain Duties on Sugar imported into the United Kingdom - - - - - p. 159

Sugar (Excise Duties):

197. Bill to repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof - - - - - 167

Taxing Master (Court of Chancery) Ireland:

485. Bill for the Appointment of a Taxing Master for the High Court of Chancery in *Ireland* - - - - - 171

Tenants (Ireland):

578. Bill to provide Compensation for Tenants in *Ireland* who have made, or shall hereafter make Improvements on the Premises in the Occupation of such Tenants - - - - - 177

Testamentary Dispositions:

539. Bill to amend the Law respecting Testamentary Dispositions of Property in the Public Funds, and to authorize the Payment of Dividends on Letters of Attorney, in certain Cases - - - - - 187

Timber Ships:

370. Bill to continue and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in *British North America*, or in the Settlement of *Honduras*, from loading any Part of their Cargo of Timber upon Deck - - - - - 191

Trade of British Possessions Abroad:

534. Bill to regulate the Trade of *British Possessions Abroad* - - - - - 195

Turnpike Acts Continuance:

498. Bill to continue certain Turnpike Acts - - - - - 233

Turnpike Roads (Ireland):

486. Bill to continue certain Acts for regulating Turnpike Roads in *Ireland* - 235

Turnpike Roads (Scotland):

488. Bill, intituled, An Act for repealing so much of an Act passed in the First and Second Year of the Reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for amending and making more effectual the Laws concerning Turnpike Roads in *Scotland*," as relates to Powers of Justices to grant Licenses to Tacksmen of Tolls, &c. - - - - - 237

Turnpike Trusts (South Wales):

418. Bill to make certain further Provisions for the Consolidation of Turnpike Trusts in *South Wales* - - - - - 239

Unclaimed Stock and Dividends:

476. Bill to make further Provisions as to Stock and Dividends unclaimed - 247

Unions (Ireland):

523. Bill, intituled, An Act to amend the Laws in force in *Ireland* for Unions and Divisions of Parishes, for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same - - - - - 253

Universities of Scotland:

276. Bill to regulate Admission to the Lay or Secular Chairs of the Universities of
Scotland - - - - - p. 259

Unlawful Oaths (Ireland):

457. Bill to continue an Act of the Second and Third Years of Her present Majesty,
intituled, "An Act to extend and render more effectual, for Five Years an Act
passed in the Fourth Year of his late Majesty GEORGE the Fourth, to amend
an Act passed in the Fiftieth Year of his Majesty GEORGE the Third, for preventing
the administering and taking unlawful Oaths in *Ireland*" - - - 261

Valuation (Ireland):

425. Bill to amend the Law relating to the Valuation of Rateable Property in
Ireland - - - - - 265
- 550.+ Same [as amended by the Committee, and on Re-commitment] - - - 281
580. Same [as amended by the Committee, on Re-commitment, and on Second Re-com-
mitment] - - - - - 301
- o.130. Clauses proposed to be inserted after Clause 17, and before Clause 18 of the
Bill - - - - - 325

Warehousing of Goods:

531. Bill for the Warehousing of Goods - - - - - 329

Waste Lands (Australia):

584. Bill, intituled, An Act to amend an Act, intituled, "An Act for regulating the Sale
of Waste Land belonging to the Crown in the *Australian* Colonies," and to make
further Provision for the Management thereof - - - - - 347
605. Same [as amended by the Committee] - - - - - 353
645. (No. 2.) Bill to amend an Act for regulating the Sale of Waste Land belonging to
the Crown in the *Australian* Colonies, and to make further Provision for the
Management thereof - - - - - 355

West India Islands Relief:

386. Bill to facilitate the Recovery of Loans made by the *West India* Relief Commis-
sioners - - - - - 361

Whitehaven and Furness Junction Railway:

448. Amendments made by the Lords to the *Whitehaven* and *Furness* Junction Railway
Bill - - - - - 367

A TABLE, AND INDEX,

OF THE

PUBLIC GENERAL ACTS

Passed in the Fifth Session of the 14th Parliament of the United Kingdom
of *Great Britain and Ireland*.

8° & 9° VICT. 4 February — 9 August 1845.

THE TABLE.

8° & 9° VICT.

CAP.

Royal Assent.

I. AN ACT to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and Forty-five - (18 March.)

II. AN ACT to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in *Great Britain and Ireland*, and to make Regulations for collecting and managing the same, until the Tenth Day of *October* One thousand eight hundred and } (18 March.)
Forty-five - - - - - }

III. AN ACT for the Appointment of Constables or other Officers for keeping the Peace near Public Works in *Scotland* - - - - - (18 March.)

IV. AN ACT to continue for Three Years the Duties on Profits arising from Property, Professions, Trades and Offices - - - - - (5 April.)

V. AN ACT for granting to Her Majesty, until the Fifth Day of *July*, One thousand eight hundred and Forty-six, certain Duties on Sugar imported into the } (24 April.)
United Kingdom - - - - - }

VI. AN ACT to repeal the Duties and Laws of Excise on Glass - (24 April.)

VII. AN ACT to repeal the Duties of Customs due upon the Exportation of certain Goods from the United Kingdom - - - - - (24 April.)

VIII. AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - (24 April.)

IX. AN ACT for the Regulation of Her Majesty's Royal Marine } (24 April.)
Forces while on Shore - - - - - }

X. AN ACT to make certain Provisions for Proceedings in Bastardy (8 May.)

XI. AN ACT for assigning Sheriffs in *Wales* - - - - - (8 May.)

XII. AN ACT to alter and amend certain Duties of Customs - (8 May.)

XIII. AN ACT to repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof - - - (8 May.)

XIV. AN ACT to exempt Ships carrying Passengers to *North America* from the Obligation of having on board a Physician, Surgeon or Apothecary - (8 May.)

XV. AN ACT to repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licence to be taken out by all Auctioneers in the } (8 May.)
United Kingdom - - - - - }

XVI. AN ACT for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature - - - - - (8 May.)

CAP.	Royal Assent.
XVII. AN ACT for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature in <i>Scotland</i> - - - - -	(8 May.)
XVIII. AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature - - - - -	(8 May.)
XIX. AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature} in <i>Scotland</i> - - - - -	(8 May.)
XX. AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways - - - - -	(8 May.)
XXI. AN ACT to amend an Act of the Fifty-third of GEORGE the Third, for appointing a Stipendiary Magistrate for the Townships of <i>Manchester</i> and <i>Salford</i> ; and to provide a Stipendiary Magistrate for the Division of <i>Manchester</i> - - - - -	(8 May.)
XXII. AN ACT to enable the Commissioners of <i>Greenwich</i> Hospital to widen and improve <i>Fisher Lane</i> in <i>Greenwich</i> ; and for other Purposes connected with the Estates of the said Commissioners - - - - -	(8 May.)
XXIII. AN ACT for raising the Sum of Nine millions three hundred and seventy-nine thousand six hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and Forty-five - - - - -	(20 May.)
XXIV. AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of <i>March</i> One thousand eight hundred and Forty-six - - - - -	(30 June.)
XXV. AN ACT to amend Two Acts passed in <i>Ireland</i> for the better Education of Persons professing the Roman Catholic Religion, and for the better Government of the College established at <i>Maynooth</i> for the Education of such Persons, and also an Act passed in the Parliament of the United Kingdom for amending the} said Two Acts - - - - -	(30 June.)
XXVI. AN ACT to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in <i>Scotland</i> - - - - -	(30 June.)
XXVII. AN ACT to amend the Act to establish Military Savings} Banks - - - - -	(30 June.)
XXVIII. AN ACT to empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates and Charges on different Parts of} their Navigations - - - - -	(30 June.)
XXIX. AN ACT to regulate the Labour of Children, young Persons and Women in Print Works - - - - -	(30 June.)
XXX. AN ACT to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King WILLIAM the Fourth, intituled, "An Act for the better Administration of Justice in His Majesty's Privy Council" - - - - -	(30 June.)
XXXI. AN ACT to facilitate the Transmission and Extinction of Heritable Securities for Debt in <i>Scotland</i> - - - - -	(30 June.)
XXXII. AN ACT to alter and amend the Laws enabling Justices of the Peace in certain Cases to borrow Money on Mortgage of the County Rates, so far as the same relate to the County of <i>Middlesex</i> - - - - -	(30 June.)
XXXIII. AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways in <i>Scotland</i> - - - - -	(21 July.)
XXXIV. AN ACT for abolishing the separate Seal Office of the Courts of Queen's Bench and Common Pleas - - - - -	(21 July.)
XXXV. AN ACT to simplify the Form and diminish the Expense of obtaining Infestment in Heritable Property in <i>Scotland</i> - - - - -	(21 July.)
XXXVI. AN ACT to continue for Five Years and to amend the Acts for authorizing a Composition for Assessed Taxes - - - - -	(21 July.)
XXXVII. AN ACT to regulate the Issue of Bank Notes in <i>Ireland</i> , and to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of <i>Ireland</i> for the Public Service - - - - -	(21 July.)
XXXVIII. AN ACT to regulate the Issue of Bank Notes in} <i>Scotland</i> - - - - -	(21 July.)
XXXIX. AN ACT to amend the Law of Arrestment of Wages in} <i>Scotland</i> - - - - -	(21 July.)

CAP.

Royal Assent.

XI. AN ACT for amending an Act for making Provision for Parish Schoolmasters in Scotland - - - - - (21 July.)

XLI. AN ACT for amending the Laws concerning Highways, Bridges and Ferries in Scotland, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money - - - - - (21 July.)

XLII. AN ACT to enable Canal Companies to become Carriers of Goods upon their Canals - - - - - (21 July.)

XLIII. AN ACT for encouraging the Establishment of Museums } (21 July.)
in large Towns - - - - - }

XLIV. AN ACT for the better Protection of Works of Art, and Scientific and Literary Collections - - - - - (21 July.)

XLV. AN ACT to make perpetual and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in *British North America* or in the Settlement of *Honduras* from loading any Part of their Cargo of Timber upon Deck - - - - - (21 July.)

XLVI. AN ACT for the Appointment of additional Constables for keeping the Peace near Public Works in *Ireland* - - - - - (21 July.)

XLVII. AN ACT for the further Prevention of the Offence of } (21 July.)
Dog Stealing - - - - - }

XLVIII. AN ACT to substitute a Declaration for an Oath in } (21 July.)
Cases of Bankruptcy - - - - - }

XLIX. AN ACT to settle an Annuity on Sir *Henry Pottinger*, Barquet, in consideration of his eminent Services - - - - - (21 July.)

L. AN ACT to facilitate the Recovery of Loans made by the *West India Relief Commissioners* - - - - - (21 July.)

LI. AN ACT to enable Archbishops and Bishops in *Ireland* to charge their Sees with the Costs incurred by them in defence of their Rights of Patronage, in certain Cases; and also to enable Tenants for Life and other Persons having limited Interests in Estates in *Ireland* to charge said Estates with the Costs incurred by them in asserting their Rights to Ecclesiastical Patronage, in certain Cases - - - - - (31 July.)

LII. AN ACT for the Relief of Persons of the Jewish Religion elected to Municipal Offices - - - - - (31 July.)

LIII. AN ACT to continue to the First Day of *October* One thousand eight hundred and Forty-six, and to the End of the then next Session of Parliament, certain Turnpike Acts - - - - - (31 July.)

LIV. AN ACT to amend the Laws in force in *Ireland* for Unions and Divisions of Parishes; for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same - - - - - (31 July.)

LV. AN ACT to continue for Two Years, and to the End of the then next Session of Parliament, and to amend an Act of the Second and Third Years of Her present Majesty, intituled, "An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty *GEORGE* the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty *GEORGE* the Third, for preventing the administering and taking unlawful Oaths in *Ireland*" - - - - - (31 July.)

LVI. AN ACT to alter and amend an Act passed in the Third and Fourth Year of the Reign of Her present Majesty Queen *VICTORIA*, intituled, "An Act to enable the Owners of Settled Estates to defray the Expenses of draining the same by } (31 July.)
way of Mortgage" - - - - - }

LVII. AN ACT to extend the Indemnity of Members of Art Unions against certain Penalties - - - - - (31 July.)

LVIII. AN ACT to suspend until the First Day of *October* One thousand eight hundred and Forty-six the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom - - - - - (31 July.)

LIX. AN ACT to continue to the First Day of *October* One thousand eight hundred and Forty-six, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads - - - - - (31 July.)

LX. AN ACT to continue to the First Day of *October* One thousand eight hundred and Forty-six, and to the End of the then next Session of Parliament, the Act to amend the Laws relating to Loan Societies - - - - - (31 July.)

LXI. AN ACT to make certain further Provisions for the Consolidation of Turnpike Trusts in *South Wales* - - - - - (31 July.)

CAP.	Royal Assent.
LXII. AN ACT to make further Provisions as to Stock and Dividends unclaimed - - - - -	(31 July.)
LXIII. AN ACT to facilitate the Completion of a Geological Survey of <i>Great Britain and Ireland</i> , under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works - - - - -	(31 July.)
LXIV. AN ACT to amend certain Regulations respecting the Retail of Spirits in <i>Ireland</i> - - - - -	(31 July.)
LXV. AN ACT to determine the countervailing Duties payable on Spirits of the Nature of plain <i>British</i> Spirits, the Manufacture of <i>Guernsey, Jersey, Alderney</i> or <i>Sark</i> , imported into the United Kingdom; and to prohibit the Importation of rectified or compound Spirits from the said Islands - - - - -	(31 July.)
LXVI. AN ACT to enable Her Majesty to endow new Colleges for the Advancement of Learning in <i>Ireland</i> - - - - -	(31 July.)
LXVII. AN ACT for making further Regulations for more effectually securing the Correctness of the Jurors Books in <i>Ireland</i> - - - - -	(31 July.)
LXVIII. AN ACT to stay Execution of Judgment for Misdemeanors upon giving Bail in Error - - - - -	(31 July.)
LXIX. AN ACT to amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in <i>Ireland</i> - - - - -	(31 July.)
LXX. AN ACT for the further Amendment of the Church Building Acts - - - - -	(31 July.)
LXXI. AN ACT to extend certain Provisions in the Act for consolidating and amending the Laws relating to Highways in <i>England</i> - - - - -	(31 July.)
LXXII. AN ACT to render it unnecessary to keep up <i>Rothwell</i> Gaol, in the Honor of <i>Pontefract</i> , in the West Riding of the County of <i>York</i> - - - - -	(31 July.)
LXXIII. AN ACT to enable the Commissioners of Her Majesty's Woods and Works to apply certain Monies now in their Hands towards discharging the Incumbrances affecting the <i>Shrewsbury</i> and <i>Holyhead</i> Road - - - - -	(31 July.)
LXXIV. AN ACT to amend an Act of the Seventh Year of King WILLIAM the Fourth, for preventing the advertising of Foreign and other illegal Lotteries; and to discontinue certain Actions commenced under the Provisions of the said Act - - - - -	(31 July.)
LXXV. AN ACT to amend an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled, "An Act to amend the Law respecting defamatory Words and Libel" - - - - -	(31 July.)
LXXVI. AN ACT to increase the Stamp Duty on Licences to Appraisers; to reduce the Stamp Duties on Registry Searches in <i>Ireland</i> ; to amend the Law relating to the Duties on Legacies; and also to amend an Act of the last Session of Parliament, for regulating the Issue of Bank Notes in <i>England</i> - - - - -	(4 August.)
LXXVII. AN ACT to make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery, in certain Cases - - - - -	(4 August.)
LXXVIII. AN ACT to provide for the Payment of Compensation Allowances to certain Persons connected with the Courts of Law in <i>England</i> , for Loss of Fees and Emoluments - - - - -	(4 August.)
LXXIX. AN ACT to continue until the First Day of <i>October</i> One thousand eight hundred and Forty-six, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor - - - - -	(4 August.)
LXXX. AN ACT for regulating the Criminal Jurisdiction of Assistant Barristers as to certain Counties of Cities and Counties of Towns in <i>Ireland</i> - - - - -	(4 August.)
LXXXI. AN ACT to amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of <i>Dublin</i> - - - - -	(4 August.)
LXXXII. AN ACT to defray until the First Day of <i>August</i> One thousand eight hundred and Forty-six the Charge of the Pay, Clothing and contingent and other Expenses of the Disembodied Militia in <i>Great Britain</i> and <i>Ireland</i> ; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers - - - - -	(4 August.)

CAP.	Royal Assent.
LXXXIII. AN ACT for the Amendment and better Administration of the Laws relating to the Relief of the Poor in <i>Scotland</i> - - - - -	(4 August.)
LXXXIV. AN ACT to repeal the several Laws relating to the Customs - - - - -	(4 August.)
LXXXV. AN ACT for the Management of the Customs - - - - -	(4 August.)
LXXXVI. AN ACT for the general Regulation of the Customs - - - - -	(4 August.)
LXXXVII. AN ACT for the Prevention of Smuggling - - - - -	(4 August.)
LXXXVIII. AN ACT for the Encouragement of <i>British</i> Shipping and Navigation - - - - -	(4 August.)
LXXXIX. AN ACT for the registering of <i>British</i> Vessels - - - - -	(4 August.)
XC. AN ACT for granting Duties of Customs - - - - -	(4 August.)
XCI. AN ACT for the warehousing of Goods - - - - -	(4 August.)
XCII. AN ACT to grant certain Bounties and Allowances of Customs - - - - -	(4 August.)
XCIII. AN ACT to regulate the Trade of <i>British</i> Possessions abroad - - - - -	(4 August.)
XCIV. AN ACT for the regulating the Trade of the <i>Isle of Man</i> - - - - -	(4 August.)
XCV. AN ACT to exempt <i>Van Diemen's Land</i> from the Provisions of an Act, intituled, "An Act for regulating the Sale of Waste Land belonging to the Crown in the <i>Australian Colonies</i> " - - - - -	(4 August.)
XCVI. AN ACT to restrict the Powers of selling or leasing Railways contained in certain Acts of Parliament relating to such Railways - - - - -	(4 August.)
XCVII. AN ACT to amend the Law respecting Testamentary Dispositions of Property in the Public Funds, and to authorize the Payment of Dividends on Letters of Attorney in certain Cases - - - - -	(4 August.)
XCVIII. AN ACT for facilitating the winding up the Affairs of Joint Stock Companies in <i>Ireland</i> unable to meet their pecuniary Engagements - - - - -	(4 August.)
XCIX. AN ACT to amend an Act of the Tenth Year of His late Majesty King <i>GEORGE</i> the Fourth for consolidating and amending the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks and Chases; and for other Purposes relating to the said Land Revenue - - - - -	(4 August.)
C. AN ACT for the Regulation of the Care and Treatment of Lunatics - - - - -	(4 August.)
CI. AN ACT to continue until the Fifth Day of <i>July</i> One thousand eight hundred and Sixty-two the Acts for regulating the Vend and Delivery of Coals in <i>London</i> and <i>Westminster</i> , and in certain Parts of the adjacent Counties; and to alter and amend the said Acts - - - - -	(4 August.)
CII. AN ACT to continue until the First Day of <i>January</i> One thousand eight hundred and Fifty-one an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury - - - - -	(4 August.)
CIII. AN ACT to continue until the Thirty-first Day of <i>August</i> One thousand eight hundred and Forty-eight, and to the End of the next Session of Parliament, and to amend an Act of the Fifth and Sixth Years of Her present Majesty for permitting Wheat to be delivered from the Warehouse or the Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse - - - - -	(4 August.)
CIV. AN ACT to empower the Commissioners of Her Majesty's Woods to appropriate to Building Purposes the Area of <i>Darby Court</i> , in the Parish of <i>Saint James, Westminster</i> - - - - -	(4 August.)
CV. AN ACT for amending certain Acts of the Fourth and Fifth Years of the Reign of Her Majesty, for facilitating the Administration of Justice in the Court of Chancery; and for providing for the Discharge of the Duties of the Subpoena Office after the Death, Resignation or Removal of the present Patentee of that Office - - - - -	(4 August.)
CVI. AN ACT to amend the Law of Real Property - - - - -	(4 August.)
CVII. AN ACT for the Establishment of a Central Asylum for Insane Persons charged with Offences in <i>Ireland</i> ; and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor in <i>Ireland</i> ; and for appropriating the Lunatic Asylum in the City of <i>Cork</i> to the Purposes of a District Lunatic Asylum - - - - -	(8 August.)
CVIII. AN ACT for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the <i>Irish</i> Fisheries - - - - -	(8 August.)

CAP.	Royal Assent.
CIX. AN ACT to amend the Law concerning Games and Wagers	(8 August.)
CX. AN ACT for the better collecting Borough and Watch Rates } in certain Places - - - - - }	(8 August.)
CXI. AN ACT to amend the Laws relating to the assessing of } County Rates - - - - - }	(8 August.)
CXII. AN ACT to render the Assignment of satisfied Terms } unnecessary - - - - - }	(8 August.)
CXIII. AN ACT to facilitate the Admission in Evidence of cer- } tain official and other Documents - - - - - }	(8 August.)
CXIV. AN ACT for the Abolition of certain Fees in Criminal } Proceedings - - - - - }	(8 August.)
CXV. AN ACT for the Appointment of a Taxing Master for the } High Court of Chancery in <i>Ireland</i> - - - - - }	(8 August.)
CXVI. AN ACT for the Protection of Seamen entering on } board Merchant Ships - - - - - }	(8 August.)
CXVII. AN ACT to amend the Laws relating to the Removal of poor Persons born in <i>Scotland, Ireland, the Islands of Man, Scilly, Jersey or Guernsey, and chargeable in England</i> - - - - -	(8 August.)
CXVIII. AN ACT to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts; and to provide for the Revival of such Powers in certain Cases - - - - -	(8 August.)
CXIX. AN ACT to facilitate the Conveyance of Real Property -	(8 August.)
CXX. AN ACT for facilitating Execution of the Treaties with <i>France</i> and the United States of <i>America</i> for the Apprehension of certain Offenders - -	(8 August.)
CXXI. AN ACT to amend and explain certain Provisions of an Act of the Third and Fourth Years of Her present Majesty, for annexing certain Parts of certain Counties of Cities to adjoining Counties, for making further Provision for Compensation of Officers in Boroughs, for limiting the Borough Rate, and for continuing an Act to restrain the Alienation of Corporate Property in <i>Ireland</i> - - - - -	(8 August.)
CXXII. AN ACT to amend an Act, intituled, "An Act to carry into execution a Con- vention between His Majesty and the Emperor of <i>Brazil</i> , for the Regulation and final Abolition of the <i>African Slave Trade</i> " - - - - -	(8 August.)
CXXIII. AN ACT to authorize until the End of the next Session of Parliament an Alteration of the Annuities and Premiums of the Naval Medical Supplemental Fund Society - - - - -	(8 August.)
CXXIV. AN ACT to facilitate the granting of certain Leases -	(8 August.)
CXXV. AN ACT to continue until the Thirty-first Day of <i>July</i> One thousand eight hundred and Forty-six, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in <i>Ireland</i> - - - - -	(8 August.)
CXXVI. AN ACT to amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics in <i>England</i> - - - - -	(8 August.)
CXXVII. AN ACT for the better securing the Payment of } Small Debts - - - - - }	(9 August.)
CXXVIII. AN ACT to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases - - - - -	(9 August.)
CXXIX. AN ACT for raising the Sum of Nine millions and twenty-four thousand nine hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and Forty-five - - - - -	(9 August.)
CXXX. AN ACT to apply the Sum of Ten millions eight hundred sixty-nine thou- sand two hundred and thirty-nine Pounds One Shilling and Seven-pence out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and Forty-five, and to appropriate the Supplies granted in this Session of Parliament - - - - -	(9 August.)

I N D E X

TO THE

PUBLIC GENERAL ACTS, 8° & 9° VICT., SESS. 1845:

SHOWING

Whether they relate to the **WHOLE** or to any **PART** of the **UNITED KINGDOM**;

VIZ.

(E.) <i>signifies that the Act</i>	}	ENGLAND (and WALES; if the subject extends so far).
<i>relates to</i>		
(W.) - - -		WALES only.
(S.) - - -		SCOTLAND.
(I.) - - -		IRELAND.
(E. & I.) - - -		ENGLAND AND IRELAND.
(G. B.) - - -		GREAT BRITAIN.
(G. B. & I.) - - -		GREAT BRITAIN AND IRELAND.
(U. K.) - - -		THE WHOLE OF THE UNITED KINGDOM.

A.

Cap.

ABOLITION of the separate Seal Office of the Courts of Queen's Bench and Common Pleas, for the - - - - -	(E.)	34.
_____ of the African Slave Trade, to amend 7 & 8 Geo. IV. c. 74, for carrying into execution a Convention with the Emperor of Brazil for the - - - - -	(U. K.)	122.
Administration of Justice. See Chancery (Court of). Privy Council.		
Alderney. See Spirits.		
America. See North America. United States of America.		
Application of Sums (Transfers of Aids) - - - - -	{	(U. K.) 1.
		(U. K.) 130.
Appraisers, to increase the Stamp Duty on Licences to - - - - -	(G. B. & I.)	76.
Apprehension of certain Offenders, for facilitating Execution of the Treaties with France and the United States of America for the - - -	(U. K.)	120.
Appropriation of Supplies - - - - -	(U. K.)	130.
Archbishops and Bishops enabled to charge their Sees with the Costs incurred by them in defence of their Rights of Patronage in certain Cases - - - - -	(I.)	51.
Army, annual Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - -	(U. K.)	8.
Arrestment of Wages, to amend the Law of - - - - -	(S.)	39.
Art (Works of), for the better Protection of - - - - -	(E. & I.)	44.
Art Unions, to extend the Indemnity of Members of, against certain Penalties - - - - -	(U. K.)	57.
Assessed Taxes, to continue for Five Years and to amend the Acts for authorizing a Composition for - - - - -	(G. B.)	36.
Assignment of satisfied Terms, to render unnecessary - - - - -	(E. & I.)	112.
Assistant Barristers, for regulating the Criminal Jurisdiction of, as to certain Counties of Cities and Counties of Towns - - - - -	(I.)	80.
Auction, to repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licences taken out by all Auctioneers - - -	(U. K.)	15.

B.

Bail, in Error, to stay Execution of Judgment for Misdemeanors, upon giving - - - - -	Cap. (E. & I.) 68.
Bank Notes, to regulate the Issue of, and to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of Ireland for the Public Service - - - - -	(I.) 37.
———— to regulate the Issue of - - - - -	(S.) 38.
———— to amend 7 & 8 Vict. c. 32, for regulating the Issue of, in England - - - - -	(G. B. & I.) 76.
Bankruptcy, to substitute a Declaration for an Oath in Cases of - - -	(E. & I.) 48.
Bastardy, to make certain Provisions for Proceedings in - - -	(E.) 10.
Bills of Exchange, to continue to 1st January 1851, 2 & 3 Vict. c. 37, for exempting certain, from the Operation of the Laws relating to Usury	(U. K.) 102.
Bishops, to enable them to charge their Sees with the Costs incurred by them in defence of their Rights of Patronage in certain Cases - - -	(I.) 51.
Bonded Corn. <i>See</i> Wheat.	
Borough Rates, for the better collecting, in certain Places - - -	(E.) 110.
Boroughs (Municipal), for encouraging the Establishment of Museums in	(E & I.) 43.
Bounties and Allowances of Customs, to grant - - - - -	(U. K.) 92.
Brazil, to amend 7 & 8 Geo. IV. c. 74, for carrying into execution a Convention with the Emperor of, for the Regulation and final Abolition of the African Slave Trade - - - - -	(U. K.) 122.
Bridges, for amending the Laws concerning, and the making and maintaining thereof - - - - -	(S.) 41.
British North America. <i>See</i> North America (British).	
British Possessions Abroad, to regulate the Trade of - - - - -	(U. K.) 93.

C.

Calico Print Works. *See* Print Works.

Canal Companies and the Commissioners of navigable Rivers enabled to vary their Tolls, &c. on different Parts of their Navigations - - -	(U. K.) 28.
———— enabled to become Carriers of Goods upon their Canals	(U. K.) 42.
Chancery, (Court of), to amend 4 & 5 Vict. c. 52, and 5 Vict. c. 5, for facilitating the Administration of Justice in - - - - -	(E.) 105.
———— for appointing a Taxing Master in - - - - -	(I.) 115.
Children, to regulate the Labour of, in Print Works - - - - -	(U. K.) 29.
Church Building Acts, for the further Amendment of - - - - -	(E.) 70.
Coals, to continue to 5th July 1862, 1 & 2 Gul. IV. c. lxxvi, and 1 & 2 Vict. c. ci., for regulating the Vend and Delivery of, in London and Westminster, and in certain Parts of the adjacent Counties, and to alter and amend the said Acts - - - - -	(E.) 101.
Collections (Scientific and Literary), for the better Protection of - - -	(E. & I.) 44.
Colleges, to enable Her Majesty to endow new, for the Advancement of Learning - - - - -	(I.) 66.
Colonial Passengers. <i>See</i> Passengers.	
Common Pleas, for abolishing the separate Seal Office in the Court of - -	(E.) 34.
Commons and Lands held in common, to facilitate the Inclosure and Improvement of - - - - -	(E.) 118.
Companies (Joint Stock), for consolidating into One Act certain Provisions usually inserted in Acts with respect to the Constitution of - -	(E. & I.) 16. (S.) 17.
———— unable to meet their pecuniary Engagements, for facilitating the winding up the Affairs of - - - - -	(I.) 98.

Cap.

Compensations. *See* Fees and Emoluments.Composition for Assessed Taxes, to continue for Five Years, and to amend } (G. B.) 36.
the Acts for authorizing - - - - - }Consolidated Fund, to apply 8,000,000*l.* to the Service of the Year 1845 (U. K.) 1._____ to apply a Sum out of, and certain other Sums, to the Service } (U. K.) 130.
of the Year 1845 - - - - - }Constables or other Officers, Appointment of, for keeping the Peace near } (S.) 3.
Public Works - - - - - } (I.) 46.

Conveyance of Real Property, to facilitate - - - - - (E. & I.) 119.

Cork Lunatic Asylum. *See* Lunatics.Counties of Cities, to amend and explain certain Provisions of 3 & 4 } (I.) 121.
Vict. c. 109, for annexing certain Parts of, to adjoining Counties - }County Rates, to alter and amend the Laws enabling Justices of the } (E.) 32.
Peace to borrow Money on Mortgage of, so far as relates to the County }
of Middlesex - - - - - }

_____ to amend the Laws relating to the assessing of - - (E.) 111.

Courts of Law; to provide for the Payment of Compensation Allowances } (E.) 78.
to certain Persons connected with the Courts of Law for Loss of Fees - }Criminal Jurisdiction of Assistant Barristers as to certain Counties of } (I.) 80.
Cities and Counties of Towns, for regulating - - - - - }Criminal Lunatics. *See* Lunatics.

Criminal Proceedings, for the Abolition of certain Fees in - - - (E.) 114.

Customs, to repeal the Duties of Customs on the Exportation of certain } (U. K.) 7.
Goods - - - - - }

_____ to alter and amend certain Duties of - - - (U. K.) 12.

See also Sugar.

Customs Laws Consolidation :

_____ to repeal the several Laws relating to the Customs - - (U. K.) 84.

_____ for the Management of the Customs - - - - - (U. K.) 85.

_____ for the general Regulation of the Customs - - - - - (U. K.) 86.

_____ for the Prevention of Smuggling - - - - - (U. K.) 87.

_____ for the Encouragement of British Shipping and Navigation - (U. K.) 88.

_____ for the Registering of British Vessels - - - - - (U. K.) 89.

_____ for granting Duties of Customs - - - - - (U. K.) 90.

_____ for the Warehousing of Goods - - - - - (U. K.) 91.

_____ to grant certain Bounties and Allowances of Customs - - (U. K.) 92.

_____ to regulate the Trade of the British Possessions Abroad - (U. K.) 93.

_____ for regulating the Trade of the Isle of Man - - - - - (U. K.) 94.

D.

Darby Court, in the Parish of Saint James, Westminster, to empower } (E.) 104.
the Commissioners of Woods to appropriate to Building Purposes the }
Area of - - - - - }Debt, to facilitate the Transmission and Extinction of Heritable Securi- } (S.) 31.
ties for - - - - - }

Debts (Small), for better securing the Payment of - - - (E.) 127.

Declaration, to substitute, for an Oath in Cases of Bankruptcy - - (E. & I.) 48.

Defamatory Words, to amend 6 & 7 Vict. c. 96, for amending the Law } (E. & I.) 75.
respecting - - - - - }Dividends, to authorize the Payment of, on Letters of Attorney, in certain } (E.) 97.
Cases - - - - - }

	<i>Cap.</i>
Dividends (Unclaimed), to make further Provisions as to - - -	(U. K.) 62.
Documents, to facilitate the Admission in Evidence of certain official and other Documents - - - - -	(E. & I.) 113.
Dog Stealing, for the further Prevention of the Offence of - - -	(E.) 47.
Drainage, to alter and amend 3 & 4 Vict. c. 55, for enabling the Owners of Settled Estates to defray the Expences of, by way of Mortgage -	(E. & I.) 56.
— of Lands, to amend 5 & 6 Vict. c. 89, for promoting, and the Improvement of Navigation and Water Power in connexion with such Drainage - - - - -	(I.) 69.
Dublin (County of), to amend 7 & 8 Vict. c. 106, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in	(I.) 81.
Duties. <i>See</i> Customs. Excise. Property. Stamp Duties. Sugar.	

E.

Estates, Tenants for Life and other Persons having limited Interests in, enabled to charge them with the Costs incurred in asserting their Rights to Ecclesiastical Patronage in certain Cases - - - - -	(I.) 51.
— to alter and amend 3 & 4 Vict. c. 55, to enable the Owners of Settled Estates to defray the Expences of draining the same by way of Mortgage - - - - -	(E. & I.) 56.
Evidence, to facilitate the Admission of certain official and other Documents in - - - - -	(E. & I.) 113.
Exchequer Bills, raising £. 9,379,600 - - - - -	(U. K.) 23.
— raising £. 9,024,900 - - - - -	(U. K.) 129.
Excise Duties and Laws on Glass, repealed - - - - -	(U. K.) 6.
— on Sales by Auction, to repeal, and to impose a new Duty on the Licence to be taken out by all Auctioneers - - - - -	(U. K.) 15.
— on Sugar manufactured in the United Kingdom, to repeal, and to impose other Duties in lieu thereof - - - - -	(U. K.) 13.
— to determine the Countervailing Duties payable on Spirits of the Nature of plain British Spirits, the Manufacture of Guernsey, &c., imported into the United Kingdom - - - - -	(U. K.) 65.
Execution of Judgment, to stay, for Misdemeanors, upon giving Bail in Error - - - - -	(E. & I.) 68.

F.

Fees and Emoluments, to provide for the Payment of Compensation Allowances to certain Persons connected with the Courts of Law, for Loss of - - - - -	(E.) 78.
Fees, for the Abolition of certain, in Criminal Proceedings - - -	(E.) 114.
Ferries, for amending the Laws concerning, and the making and maintaining thereof - - - - -	(S.) 41.
Fisher Lane, Greenwich, to enable the Commissioners of Greenwich Hospital to widen and improve - - - - -	(E.) 22.
Fisheries, for the further Amendment of 5 & 6 Vict. c. 106, for regulating	(I.) 108.
Foreign and other illegal Lotteries, to amend 6 & 7 Will. IV. c. 66, for preventing the advertising of - - - - -	(G. B. & I.) 74.
France, to facilitate the Execution of the Treaties with, for the Apprehension of certain Offenders - - - - -	(U. K.) 120.
Fresh-water Fish, to prevent fishing for, by Nets - - - - -	(S.) 26.
Funds (Public), to amend the Law respecting Testamentary Dispositions of Property in - - - - -	(E.) 97.

G.	Cap.
Games, to amend the Law concerning - - - - -	(E. & I.) 109.
Geological Survey of Great Britain and Ireland, to facilitate the Com- pletion of - - - - -	(G.B.&I.) 63.
Glass, Excise Duties and Laws on, repealed - - - - -	(U.K.) 6.
Goods, for the Warehousing of - - - - -	(U.K.) 91.
Grand Jury Presentments in the County of Dublin, to amend 7 & 8 Vict. c. 106, for consolidating and amending the Laws for the Regulation of	(I.) 81.
Greenwich Hospital, to enable the Commissioners of, to widen and improve Fisher Lane in Greenwich; and for other Purposes connected with the Estates of the said Commissioners - - - - -	(E.) 22.
Guernsey. <i>See</i> Spirits.	

H.

Heritable Property, to simplify the Form and diminish the Expence of obtaining Infestment in - - - - -	(S.) 35.
Heritable Securities for Debt, to facilitate the Transmission and Ex- tinction of - - - - -	(S.) 31.
Highways, for amending the Laws concerning, and the making and main- taining thereof - - - - -	(S.) 41.
— to continue to 1st October 1846, 4 & 5 Vict. c. 59, for authorizing the Application of Highway Rates to Turnpike Roads -	(E.) 59.
— to extend certain Provisions in 5 & 6 Gul. IV. c. 50, for con- solidating and amending the Laws relating to - - - - -	(E.) 71.
Honduras, to make perpetual and amend 5 & 6 Vict., c. 17, for preventing Ships clearing out from any Port in, from loading any part of their Cargo of Timber upon Deck - - - - -	(U.K.) 45.
— repealing the above Act - - - - -	(U.K.) 84. § 2.
— preventing Ships clearing out from any Port in, from loading any part of their Cargo of Timber upon Deck - - - - -	(U.K.) 93. § 24-26.
Hosiery, to make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of - - - - -	(U.K.) 77.

I.

Inclosure and Improvement of Commons and Lands held in common, to facilitate - - - - -	(E.) 118.
Income Tax, continuing for Three Years - - - - -	(G. B.) 4.
Indemnity Act, annual - - - - -	(U.K.) 24.
Infestments in Heritable Property, to simplify the Form and diminish the Expence of obtaining - - - - -	(S.) 35.
Insane Persons. <i>See</i> Lunatics.	

J.

Jersey. <i>See</i> Spirits.	
Jewish Religion, for the Relief of Persons of the, elected to Municipal Offices - - - - -	(E.) 52.
Joint Stock Companies, for consolidating in one Act certain Provisions usually inserted in Acts with respect to the Constitution of - - -	(E. & I.) 16. (S.) 17.
— unable to meet their pecuniary Engagements, for facilitating the winding up the Affairs of - - - - -	(I.) 98.
Judgment, to stay Execution of, for Misdemeanors, upon giving Bail in Error - - - - -	(E. & I.) 68.
Jurors Books, for making further Regulations for more effectually securing the Correctness of - - - - -	(I.) 67.
Justice, to amend 3 & 4 Gul. IV. c. 41, for the better Administration of, in the Privy Council - - - - -	(U.K.) 30.

	<i>Cap.</i>
Justice, for amending 4 & 5 Vict. c. 52, and 5 Vict. c. 5, for facilitating the Administration of Justice in the Court of Chancery - - - }	(E.) 105.
Justices of the Peace, to alter and amend the Laws enabling them to borrow Money on Mortgage of County Rates, so far as relates to Middlesex - - - - - }	(E.) 32.



L.

Land Revenue. *See* Woods, Forests, &c.

Lands, for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature - - - - - }	(E. & I.) 18. (S.) 19.
Leases, to facilitate the granting of certain - - - - - }	(E. & I.) 124.
Legacies, to amend the Law relating to the Duties on - - - - - }	(G. B. & I.) 76.
Letters of Attorney, to authorize the Payment of Dividends on, in certain Cases - - - - - }	(E.) 97.
Libel, to amend 6 & 7 Vict. c. 96, for amending the Law respecting defamatory Words and - - - - - }	(E. & I.) 75.
Licences to be taken out by all Auctioneers, to impose a new Duty on - - - - - }	(U. K.) 15.
----- to Appraisers, to increase the Stamp Duty on - - - - - }	(G. B. & I.) 76.
Literary and Scientific Collections, for the better Protection of - - - - - }	(E. & I.) 44.
Loan Societies, to continue to 1st October 1846, 3 & 4 Vict. c. 110, for amending the Laws relating to - - - - - }	(E.) 60.
Loans made by the West India Relief Commissioners, to facilitate the Recovery of - - - - - }	(U. K.) 50.
Lotteries (Foreign and other illegal), to amend 6 & 7 Gul. IV. c. 66, for preventing the advertising of, and to discontinue certain Actions commenced under the Provisions of the said Act - - - - - }	(G. B. & I.) 74.
Lunatics, for the Regulation of the Care and Treatment of - - - - - }	(E.) 100.
----- to amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics - - - - - }	(E.) 126.
----- for the Establishment of a Central Asylum for Insane Persons charged with Offences in Ireland; and to amend the 1 & 2 Geo. IV. c. 33, relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor; and for appropriating the Lunatic Asylum in the City of Cork to the Purposes of a District Lunatic Asylum - - - - - }	(I.) 107.

M.

Man (Isle of), for regulating the Trade of - - - - - }	(U. K.) 94.
Manchester and Salford, to amend 53 Geo. III. c. 72, for appointing a Stipendiary Magistrate for the Townships of; and to provide a Stipendiary Magistrate for the Division of Manchester - - - - - }	(E.) 21.
Marine Forces (Royal), Regulation of, while on Shore - - - - - }	(U. K.) 9.
Marriages, to amend the Laws in force for the Celebration of - - - - - }	(I.) 54.
Masters and Workmen. <i>See</i> Tickets of Work.	
Maynooth College, to amend 35 Geo. III. (I.), 40 Geo. III. (I.), and 48 Geo. III. c. cxlv, for the better Government of - - - - - }	(I.) 25.
Merchant Ships, for the Protection of Seamen entering on board of - - - - - }	(U. K.) 116.
Middlesex (County of), to alter and amend the Laws enabling Justices of the Peace in certain Cases to borrow Money on Mortgage of the County Rates, so far as the same relate to - - - - - }	(E.) 32.
Military Savings Banks, amending 5 & 6 Vict., c. 71, for establishing - - - - - }	(U. K.) 27.
Militia, to suspend until 1st October 1846, the making of Lists and Ballot for the Enrolment of the - - - - - }	(U. K.) 58.

	<i>Cap.</i>
Militia, annual Act for the Pay, Clothing, &c. of the disembodied Militia; to grant Allowances in certain Cases to Subaltern Officers, &c.; and to authorize the Employment of the Non-commissioned Officers - - - }	(G. B. & I.) 82.
Misdemeanors, to stay Execution of Judgment for, upon giving Bail in Error - - - - - }	(E. & I.) 68.
Municipal Districts. <i>See</i> Counties.	
Municipal Offices, for the Relief of Persons of the Jewish Persuasion, elected to - - - - - }	(E.) 52.
Museums in large Towns, for the Establishment of - - - - -	(E. & I.) 43.
———— for the better Protection of Works of Art, &c., in - - -	(E. & I.) 44.
Mutiny Act, annual, for the Army - - - - -	(U. K.) 8.
———— for the Royal Marine Forces while on Shore - - - - -	(U. K.) 9.

N.

Naval Medical Supplemental Fund Society, to authorize an Alteration of the Annuities and Premiums of the - - - - - }	(U. K.) 123.
Navigable Rivers, to empower the Commissioners of, to vary their Tolls, &c. on different Parts of their Navigations - - - - - }	(U. K.) 28.
Navigation (British), for the Encouragement of - - - - -	(U. K.) 88.
North America, to exempt Ships carrying Passengers to, from the Obligation of having on board a Physician, Surgeon or Apothecary - }	(U. K.) 14.
———— (British), to make perpetual and amend 5 & 6 Vict. c. 17, for preventing Ships clearing out from any Port in, from loading any part of their Cargo of Timber upon Deck - - - - - }	(U. K.) 45.
———— repealing the above Act - - - - -	(U. K.) 84. § 2.
———— preventing Ships clearing out from any Port in, from loading any part of their Cargo of Timber upon Deck - - - - - }	(U. K.) 93. §24-26.

O.

Oath, to substitute a Declaration for, in Cases of Bankruptcy - - -	(E. & I.) 48.
Oaths (Unlawful), to continue for two Years and to amend 2 & 3 Vict. c. 74, for extending and rendering more effectual 50 Geo. III. c. 102, and 4 Geo. IV. c. 87, for preventing the administering and taking of - - }	(I.) 55.
Offenders, for facilitating Execution of the Treaties with France and the United States, for the Apprehension of certain - - - - - }	(U. K.) 120.
Offices and Employments, annual Indemnity Act for Persons neglecting to qualify for - - - - - }	(U. K.) 24.
Outstanding Terms. <i>See</i> Terms.	

P.

Parishes, to amend the Laws in force for Unions and Divisions of, for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same - - - - - }	(I.) 54.
Parish Schoolmasters, for amending 43 Geo. III. c. 54, for making Provision for - - - - - }	(S.) 40.
Passengers, to exempt Ships carrying, to North America, from the Obligation of having on board a Physician, Surgeon or Apothecary - }	(U. K.) 14.
Patronage (Ecclesiastical), to enable Archbishops and Bishops to charge their Sees with the Costs incurred by them in defence of their Rights of, and also to enable Tenants for Life and other Persons having limited Interests in Estates to charge said Estates with the Costs incurred by them in asserting their Rights to - - - - - }	(I.) 51.
———— of Parishes, for the Settlement of - - - - -	(I.) 54.
Pauper Lunatics. <i>See</i> Lunatics.	

	Cap.
Poor, to continue until 1st October 1846 the Exemption of Inhabitants of Parishes, Townships and Villages, from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor	(E.) 79.
——— for the Amendment and better Administration of the Laws relating to the Relief of - - - - -	(S.) 83.
——— Persons born in Scotland, Ireland, the Islands of Man, Scilly, Jersey or Guernsey, and chargeable in England, to amend the Laws relating to the removal of - - - - -	(G. B. & I.) 117.
Possessions Abroad (British), to regulate the Trade of - - - - -	(U. K.) 93.
Pottinger (Sir Henry), to settle an Annuity on, in consideration of his public Services - - - - -	(U. K.) 49.
Presentments (Grand Jury), to amend 7 & 8 Vict. c. 106, for consolidating and amending the Laws for the Regulation of - - - - -	(I.) 81.
Print Works, to regulate the Labour of Children, young Persons and Women in - - - - -	(U. K.) 29.
Privy Council, to amend 3 & 4 Gul. IV. c. 41, for the better Administration of Justice in - - - - -	(U. K.) 30.
Promissory Notes, to continue to 1st January 1851, 2 & 3 Vict. c. 37, for exempting certain, from the Operation of the Laws relating to Usury	(U. K.) 102.
Property Tax, continuing for Three Years the Duties on Property, Professions, Trades and Offices - - - - -	(G. B.) 4.
Public Funds, to amend the Law respecting Testamentary Dispositions of Property in - - - - -	(E.) 97.
Public Museums. <i>See Museums.</i>	
Public Works, for the Appointment and Payment of Constables or other Officers for keeping the Peace near - - - - -	(S.) 3. (I.) 46.
Q.	
Queen's Bench, for abolishing the separate Seal Office in the Court of	(E.) 34.
R.	
Railways, for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of - - - - -	(E. & I.) 20. (S.) 33.
——— to restrict the Powers of selling or leasing, contained in certain Acts of Parliament relating to such Railways - - - - -	(U. K.) 96.
Real Property, to amend the Law of - - - - -	(E. & I.) 106.
——— to facilitate the Conveyance of - - - - -	(E. & I.) 119.
Registering of British Vessels - - - - -	(U. K.) 89.
Registry Searches, to reduce the Stamp Duties on, in Ireland - - -	(G. B. & I.) 76.
Removal of poor Persons born in Scotland, Ireland, the Islands of Man, Scilly, Jersey or Guernsey, and chargeable in England, to amend the Laws relating to - - - - -	(G. B. & I.) 117.
Roman Catholic Religion, amending 35 Geo. III. (I.), 40 Geo. III. (I.), and 48 Geo. III. c. cxlv, for the better Education of Persons professing	(I.) 25.
Rothwell Gaol, in the Honor of Pontefract (W. R. York), to render it unnecessary to keep up - - - - -	(E.) 72.
S.	
Sales by Auction, to repeal the Duties of Excise on - - - - -	(U. K.) 15.
Salford. <i>See Manchester.</i>	
Sark. <i>See Spirics.</i>	
Savings Banks (Military), to amend 5 & 6 Vict. c. 71, for establishing	(U. K.) 27.
Schoolmasters (Parish), for amending 43 Geo. III. c. 54, for making Provision for - - - - -	(S.) 40.

	Cap.
Scientific and Literary Collections, for the better Protection of - - -	(E. & I.) 44.
Seal Office, for abolishing the separate, in the Courts of Queen's Bench } and Common Pleas - - - - - }	(E.) 34.
Seamen entering on board Merchant Ships, for the Protection of - - -	(U. K.) 116.
Sheriffs, for assigning - - - - -	(W.) 11.
Shipping (British), for the Encouragement of - - - - -	(U. K.) 88.
Ships. <i>See</i> Honduras. North America.	
Shrewsbury and Holyhead Road, to enable the Commissioners of Woods } and Works to apply certain Monies now in their hands towards } discharging the Incumbrances affecting the - - - - - }	(E.) 73.
Silk Weavers, to make further Regulations respecting the Tickets of Work } to be delivered to, in certain Cases - - - - - }	(U. K.) 128.
Slave Trade (African), to amend 7 & 8 Geo. IV. c. 74, for carrying into } execution a Convention between His Majesty and the Emperor of } Brazil, for the Abolition of the - - - - - }	(U. K.) 122.
Small Debts, for the better securing the Payment of - - - - -	(E.) 127.
Smuggling, for the Prevention of - - - - -	(U. K.) 87.
South Wales, to make certain further Provisions for the Consolidation } of Turnpike Trusts in - - - - - }	(W.) 61.
Spirits, to amend certain Regulations respecting the Retail of - - -	(I.) 64.
— to determine the countervailing Duties payable on Spirits, of the } Nature of plain British Spirits, the Manufacture of Guernsey, Jersey, } Alderney or Sark, imported into the United Kingdom, and to prohibit the } Importation of Rectified or Compound Spirits from the said Islands - }	(U. K.) 65.
Stamp Duties to continue for Three Years the Stamp Duties granted by } 5 & 6 Vict. c. 82, for assimilating the Stamp Duties in Great Britain } and Ireland, and for making Regulations for collecting and managing } the same - - - - - }	(G. B. & I.) 2.
— on Licences to Appraisers, to increase; and to reduce the } Stamp Duties on Registry Searches in Ireland - - - - - }	(G. B. & I.) 76.
Statute Service, for amending the Laws concerning Highways, Bridges } and Ferries, and making and maintaining thereof by, and by the } Conversion of Statute Service into Money - - - - - }	(S.) 41.
Stock in Trade. <i>See</i> Poor.	
Stock (Unclaimed), to make further Provision as to - - - - -	(U. K.) 62.
Subpcena Office, for providing for the Discharge of the Duties of, after } the Death, Resignation or Removal of the present Patentee of that Office }	(E.) 105.
Sugar, imported, annual Duties on - - - - -	(U. K.) 5.
— manufactured in the United Kingdom, to repeal the Excise } Duties on, and to impose other Duties in lieu thereof - - - - - }	(U. K.) 13.
Supplies, Appropriation of - - - - -	(U. K.) 130.

T.

Taxes. *See* Assessed Taxes. Property.Taxing Master. *See* Chancery, Court of.

Tenants for Life, and other Persons having limited Interests in Estates, } enabled to charge said Estates with the Costs incurred by them in } asserting their Rights to Ecclesiastical Patronage in certain Cases - }	(I.) 51.
Terms, satisfied, to render the Assignment of, unnecessary - - -	(E. & I.) 112.
Testamentary Dispositions of Property in the Public Funds, to amend } the Law respecting - - - - - }	(E.) 97.
Tickets of Work to be delivered to Persons employed in the Manufacture } of Hosiery, and to Silk Weavers in certain Cases - - - - - }	(U. K.) { 77. 128.
Timber. <i>See</i> Honduras. North America.	
Towns for encouraging the Establishment of Museums in large Towns -	(E. & I.) 43.
Trade of British Possessions Abroad, to regulate - - - - -	(U. K.) 93.
Trout or other Fresh-water Fish, to prevent fishing for, by Nets - -	(S.) 26.

	<i>Cap.</i>
Turnpike Acts, to continue certain, to the 1st of October 1846 - - -	(G. B.) 53.
Turnpike Roads, to continue to 1st August 1846, 4 & 5 Vict. c. 59, for authorizing the Application of Highways Rates to - - - }	(E.) 59.
——— to continue to 31st July 1846 certain Acts for regulating -	(I.) 125.
Turnpike Trusts, to make certain further Provisions for, in South Wales -	(W.) 61.

U.

Unclaimed Stock and Dividends, to make further Provisions as to - -	(U. K.) 62.
Unions and Divisions of Parishes, to amend the Laws in force for - -	(I.) 54.
Unions (Art), to extend the Indemnity of Members of, against certain Penalties - - - - - }	(U. K.) 57.
United States of America, for facilitating Execution of the Treaties with France, and for the Apprehension of certain Offenders - - - }	(U. K.) 120.
Unlawful Oaths, to continue for Two Years, and to amend 2 & 3 Vict. c. 74, for extending and rendering more effectual 50 Geo. III. c. 102, and 4 Geo. IV. c. 87, for preventing the administering and taking - - }	(I.) 55.
Usury Laws, to continue to 1st January 1851, 2 & 3 Vict. c. 37, for exempting certain Bills of Exchange and Promissory Notes from the Operation of - - - - - }	(U. K.) 102.

V.

Van Diemen's Land exempted from the Provisions of 5 & 6 Vict. c. 36, for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies - - - - - }	(U. K.) 95.
Vessels (British), for the registering of - - - - -	(U. K.) 89.

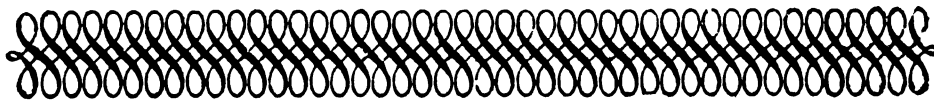
W.

Wagers, to amend the Law concerning - - - - -	(E. & I.) 109.
Wages, to amend the Law of Arrestment of - - - - -	(S.) 39.
Warehousing of Goods, for the - - - - -	(U. K.) 91.
Waste Land, to exempt Van Diemen's Land from the Provisions of 5 & 6 Vict., c. 36, for regulating the Sale of, in the Australian Colonies - }	(U. K.) 95.
Watch Rates, for the better collecting of, in certain Places - - -	(E.) 110.
West India Relief Commissioners, to facilitate the Recovery of Loans made by - - - - - }	(U. K.) 50.
Wheat, to continue to 31st August 1848, and to amend 5 & 6 Vict. c. 92, for permitting Wheat to be delivered from the Warehouse or the Vessel Duty-free, on the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse - - - - - }	(U. K.) 103.
Women, to regulate the Labour of in Print Works - - - - -	(U. K.) 29.
Woods, Forests, &c., to facilitate the Completion of a Geological Survey of Great Britain and Ireland, under the Direction of the First Com- missioner for the Time being of - - - - - }	(G. B. & I.) 63.
——— Commissioners of, enabled to apply certain Monies in their Hands towards discharging the Incumbrances affecting the Shrewsbury and Holyhead Road - - - - - }	(E.) 73.
——— to amend 10 Geo. IV. c. 50, for consolidating the Laws relating to the Management and Improvement of - - - - - }	(E. & I.) 99.
——— to enable the Commissioners of, to appropriate to Building Purposes the Area of Darby Court in the Parish of Saint James, Westminster. - - - - - }	(E.) 104.
Works of Art and Scientific and Literary Collections, for the better Protection of - - - - - }	(E. & I.) 44.
Works, Public. See Public Works.	

Y.

Young Persons, to regulate the Labour of, in Print Works - - -	(U. K.) 29.
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13 June 1845.—8 VICT.



A

B I L L,

INTITULED,

AN ACT for the better securing the Payment of Small Debts.

WHEREAS it is expedient and just to give Creditors a **Preamble.**
further remedy for the recovery of debts due to them;

BE it therefore Enacted, by The QUEEN's most Excellent MA-
JESTY, by and with the Advice and Consent of the Lords Spiritual

5 and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, THAT if any person is indebted

to any other in a sum not exceeding Twenty Pounds beside costs of
suit, by force of any judgment obtained, or of any order for the
payment thereof, or of any costs in any Court, which judgment or

10 order shall have been obtained from any Court of competent juris-
diction, it shall be lawful for the Creditor so having obtained a

judgment or order to obtain a summons from any Commissioner
of Bankrupts for the district in which such Debtor shall reside or shall
have resided for One calendar Month before the date of such judg-

15 ment or order, or from any Court of Requests, Court of Commis-
sioners or other Court for the recovery of Small Debts, having a

Chairman, Assessor, or other presiding Officer who shall be either a
Barrister-at-Law, or Attorney or Solicitor, which summons such Com-
missioner of Bankrupts or such Court are hereby authorized and

20 required to grant, according to the form in Schedule (A.) hereunto
annexed, upon the application of such Creditor by any petition or

note in writing, according to the form in Schedule (B.) hereunto an-
nexed; and the Debtor, appearing before such Commissioner or
Court at the time to be appointed in such summons, shall be examined

1.
Creditor
obtaining
Judgment or
Order in
respect of
Debt not
exceeding
20*l.* may sum-
mon Debtor
before a Com-
missioner of
Bankrupts or
Court of
Requests, &c.

by the said Commissioner or Court, and shall, if the Creditor think fit, be interrogated before such Commissioner or Court by the Creditor summoning him, touching the manner and time of his contracting his debt, the means or prospect of payment he then had, the property or means of payment he still hath or may have, the disposal he may have made of any property since contracting such debt; and such Creditor shall also, if such Commissioner or Court shall think fit, be examined by the said Commissioner or Court touching his claim against the said Debtor; and it shall be lawful for such Commissioner or Court to make an order on the said Debtor for the payment of his debt by instalments or otherwise; and in case such Debtor shall not attend as required by the said summons, and shall not allege a sufficient excuse for not attending, or shall, if attending, refuse to disclose his property or his transactions respecting the same, or respecting the contracting of the debt, or shall not make answer thereof to the satisfaction of the Commissioner or Court, or shall appear to such Commissioner or Court to have been guilty of fraud in contracting the debt, or of having wilfully contracted it without reasonable prospect of being able to pay it, or of having concealed or made away with his property in order to defeat his Creditors, or if he appears to have the means of paying the same by instalments or otherwise, and shall not pay the same at such times as the Commissioner or Court shall order, then in any of the said cases it shall be lawful for such Commissioner or the Chairman, Assessor or other presiding Officer of such Court to order such Debtor to be committed, for any time not exceeding Forty Days, to the common gaol wherein the Debtors under judgment and in execution of the Superior Courts of Justice may be confined within the county, city, borough or place in which such Debtor shall be resident: Provided always, That in case a day other than the day of issuing such order for imprisonment shall be appointed for payment of the debt, or of any instalment thereof, no order for imprisonment for nonpayment of the debt, or of any instalment thereof, shall be made by such Commissioner or Chairman, Assessor or presiding Officer, until it shall be made to appear to his satisfaction that the Debtor, has made default, and has disobeyed the order for payment by instalment or otherwise.

2.
Commis-
sioner, &c.
may order
Payment of
Debt out of
Salary, Pay
or Pension,
&c.

And be it Enacted, That in making such order for payment as aforesaid, it shall be lawful for such Commissioner or Court, and they are hereby authorized and required to order such Debtor to make payment of his debt out of any salary or wages, or pay or half-pay or pension, which he may be entitled to receive, amounting to more than Fifty Pounds by the year; and the not paying as ordered out of such salary, wages, pay or pension, shall be deemed such disobedience

obedience as authorizes the said Commissioner, Assessor or presiding Officer to order the imprisonment of the Debtor: Provided always, That no such order for imprisonment, nor any order for imprisonment, shall be made for any longer time than Forty Days.

- 5 Provided also, and be it Enacted, That in any city, town or district wherein there are several Courts for the recovery of Small Debts, neither of the said Courts shall have any power under this Act in respect of any debt which shall have been sued for in the other of the said Courts in the same city, town or district, unless
 10 such other of the said Courts shall not have a Chairman, Assessor, or other presiding Officer who shall be either a Barrister-at-Law or Attorney or Solicitor.

3.
Where several Courts exist in the same Town, &c., business not to be transferred from one to the other.

- 15 Provided always, and be it Enacted, That in any city, town or district wherein there are several Courts for the recovery of Small Debts, and one of such Courts has jurisdiction over debts of greater amount than the other of the said Courts, such Court alone having jurisdiction over debts of greater amount shall have the increased jurisdiction in point of amount under this Act, and the other of the said Courts shall not have jurisdiction in point of amount greater
 20 than it had before the passing of this Act, provided that the Court having the greater jurisdiction in point of amount shall have a Judge, Chairman, Assessor, or other presiding Officer who shall be a Barrister-at-Law.

4.
Where several Courts exist, Superior Court alone to have Jurisdiction over Debts of greater Amount under this Act.

- 25 And be it Declared and Enacted, That all the powers and authorities respecting debts not exceeding Twenty Pounds given to any Courts or Judges by an Act made in the seventh and eighth years of the reign of Her present Majesty, intituled, "An Act to amend the Law of Insolvency, Bankruptcy and Execution," shall and do extend to all cases of any balance not exceeding Twenty Pounds
 30 remaining unpaid of any debt, of whatever amount, which may have been or may be recovered by any judgment or order, exclusive of the costs of such judgment or order, and also to the costs of any verdict in any ejectment, and to all orders as well as judgments whatever for the payment of any sum of money not exceeding Twenty
 35 Pounds, exclusive of costs.

5.
Powers of 7 & 8 Vict. c. 96, to extend to all cases of Balances not exceeding 20l.

- 40 And be it Declared and Enacted, That in making application to any Commissioner or Court as aforesaid, or taking any proceedings under this Act, or under the Act hereinbefore referred to, or under the Act made in the fifth and sixth years of Her Majesty's reign, intituled, "An Act for the Relief of Insolvent Debtors," it shall not be requisite for any party, whether Creditor or Debtor, to employ either Counsel or Attorney or Solicitor; and that all the powers and duties

6.
Application to Commissioners, &c. need not be made by Counsel or Attorney. 5 & 6 Vict. c. 116.

conferred or imposed by the said Acts shall apply to the case of persons who may before petitioning the Court of Bankruptcy have taken any proceedings for their relief before the Court for the Relief of Insolvent Debtors.

7.
Affidavits in
Bankruptcy
and Insol-
vency may be
sworn before
Keepers of
Prisons.

And be it Enacted, That any affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in England or Wales to be used in matters of Bankruptcy or Insolvency, or under or by virtue of any Statute relating to Bankrupts or Insolvent Debtors, or of this Act, may be sworn before the Keeper or Gaoler, Deputy-Keeper or Deputy-Gaoler, or Clerk of the Papers of such Prisons or Gaols respectively, and he and they are hereby respectively authorized to administer the oath upon any such affidavit or affidavits, and to receive for a fee on each affidavit the sum of One Shilling, and no more. 5 10

8.
Interim
Orders to
persons in
custody to
be granted
upon Petition,
without
delay.

And be it Declared and Enacted, That it shall not be lawful for the Commissioners of Bankrupt to refuse the interim protecting order to any person actually in custody and petitioning for the same, or to postpone granting such order for Two Days, or for any other period of time, upon the ground of enabling the detaining Creditor to show cause against granting such order, or upon any other ground whatever. 15 20

9.
Taxing
Officers need
not be prac-
tising Attor-
nies.

AND whereas it is expedient that persons who have been appointed Deputy Registrars of the Court of Bankruptcy should be capable of being appointed to the place of Taxing Master or Officer of the said Court, although at the time of such appointment he hath ceased to be an acting Attorney of one of the Superior Courts; BE it Enacted, That it shall not be necessary for any Registrar of the said Court to be an actually practising Attorney at the time of his being appointed such Taxing Officer, provided he be otherwise qualified to hold the said office of Taxing Officer. 25

SCHEDULES

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

YOU are hereby required to appear before [*set forth the Court's style*], on the day of next, to answer such questions as may be put to you touching the not having paid to *A. B.* the sum of money in a certain judgment [*or, order*] of [*set forth the style of the Court that gave the judgment or made the order*].

SCHEDULE (B.)

BE pleased to summon *C. D.* to answer touching the debts due to me by the judgment [*or, order*] of the Court of [*set forth the Court which gave the judgment or made the order*] on my behalf.

(signed)

[*Party's name.*]

Small Debts.

A

B I L L,

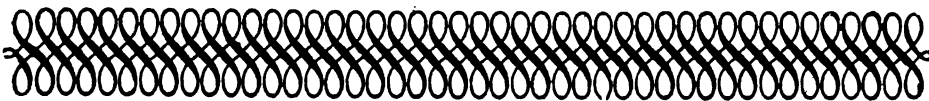
INTRODUCED,

AN ACT for the better securing the Payment
of Small Debts.

(*Brought from the Lords, 10 June 1845.*)

*Ordered, by The House of Commons, to be Printed,
13 June 1845.*

374.
Under 1 os.



(No. 3.)

A

B I L L,

INTITULED,

AN ACT for the better securing the Payment of Small Debts.

- W**H ~~HEREAS~~ it is expedient and just to give Creditors a further remedy for the Recovery of Debts due to them; **B**E it ~~therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT if any person is or shall be indebted to any other in a sum not exceeding Twenty Pounds besides costs of suit, by force of any judgment obtained, or of any order for the payment thereof, or of any costs in any Court, which judgment or order shall have been obtained from any Court of competent jurisdiction, it shall be lawful for the creditor so having obtained a judgment or order to obtain a summons from any Commissioner of Bankrupts for the district in which such debtor shall reside or shall have resided for One calendar Month before the date of such judgment or order, or from any Court of Requests, Court of Commissioners, inferior Court or other Court for the recovery of Small Debts, having a Chairman, Assessor or other presiding officer who shall be either a Barrister-at-law or Attorney or Solicitor, which summons such Commissioner of Bankrupts or such Court are hereby authorized and required to grant, according to the form in Schedule (A.) hereunto annexed, upon the application of such creditor by any petition or note in writing, according to the form in Schedule (B.) hereunto annexed; and the debtor appearing before such Commissioner or Court at the time to be appointed in such summons, shall be examined by the said Commissioner or Court, and shall, if the creditor think fit,
- Preamble.
1.
Creditor obtaining Judgment or Order in respect of Debt not exceeding 20*l*., may summon Debtor before a Commissioner of Bankrupts or Court of Requests, &c.
414. A be

be interrogated before such Commissioner or Court by the creditor summoning him, touching the manner and time of his contracting his debt, the means or prospect of payment he then had, the property or means of payment he still hath or may have, the disposal he may have made of any property since contracting such debt; and such creditor shall also, if such Commissioner or Court shall think fit, be examined by the said Commissioner or Court touching his claim against the said debtor; and it shall be lawful for such Commissioner or Court to make an order on the said debtor for the payment of his debt by instalments or otherwise; and in case such debtor shall not attend as required by the said summons, and shall not allege a sufficient excuse for not attending, or shall, if attending, refuse to disclose his property, or his transactions respecting the same, or respecting the contracting of the debt, or shall not make answer thereof to the satisfaction of the Commissioner or Court, or shall appear to such Commissioner or Court to have been guilty of fraud in contracting the debt, or of having wilfully contracted it without reasonable prospect of being able to pay it, or of having concealed or made away with his property in order to defeat his creditors, or if he appears to have the means of paying the same by instalments or otherwise, and shall not pay the same at such times as the Commissioner or Court shall order, then in any of the said cases it shall be lawful for such Commissioner, or the Chairman, Assessor or other presiding officer of such Court, to order such debtor, to be committed for any time not exceeding Forty Days to the common gaol wherein the debtors under judgment and in execution of the superior courts of justice may be confined within the county, city, borough or place in which such debtor shall be resident: Provided always, That in case a day other than the day of issuing such order for imprisonment shall be appointed for payment of the debt, or of any instalment thereof, no order for imprisonment for non-payment of the debt, or of any instalment thereof, shall be made by such Commissioner or Chairman, Assessor or presiding officer, until it shall be made to appear to his satisfaction that the debtor has made default, and has disobeyed the order for payment by instalment or otherwise.

2.
Commis-
sioner, &c.
may order
payment of
debt out of
salary, pay or
pension, &c.

And be it Enacted, That in making such order for payment as aforesaid, it shall be lawful for such Commissioner or Court and they are hereby authorized and required to order such debtor to make payment of his debt out of any salary or wages, or pay or half-pay or pension, which he may be entitled to receive, amounting to more than Thirty Pounds by the year, and the not paying as ordered out of such salary, wages, pay or pension shall be deemed such disobedience as authorizes the said Commissioner, Assessor or presiding officer to order the imprisonment of the debtor: Provided always, That no such order for imprisonment, nor any order for imprisonment, shall be made for any longer time than Forty Days.

Provided

Provided always, and be it Enacted, That in any city, town or district wherein there are several Courts for the recovery of small debts, neither of the said Courts shall have any power under this Act in respect of any debt which shall have been sued for in the other of the said Courts in the same city, town or district, unless such other of the said Courts shall not have a Chairman, Assessor or other presiding officer who shall be either a Barrister-at-law, or Attorney or Solicitor.

3.
Where several Courts exist in the same town, &c., business not to be transferred from one to the other.

And be it Declared and Enacted, That all the powers and authorities respecting debts not exceeding Twenty Pounds given to any Courts or Judges by an Act made in the seventh and eighth years of the reign of Her present Majesty, intituled, "An Act to amend the Law of Insolvency, Bankruptcy and Execution," shall and do extend to all cases of any balance not exceeding Twenty Pounds remaining unpaid of any debt, of whatever amount, which may have been or may be recovered by any judgment or order, exclusive of the costs of such judgment or order, and also to the costs of any verdict in any ejectment, and to all orders as well as judgments whatever for the payment of any sum of money not exceeding Twenty Pounds, exclusive of costs.

4.
Powers of 7 & 8 Vict., c. 96, to extend to all cases of balances not exceeding 20*l*.

And be it Declared and Enacted, That in making application to any Commissioner or Court as aforesaid, or taking any proceedings under this Act, or under the Act hereinbefore referred to, or under the Act made in the fifth and sixth years of Her Majesty's reign, intituled, "An Act for the Relief of Insolvent Debtors," it shall not be requisite for any party, whether creditor or debtor, to employ either Counsel or Attorney or Solicitor, and that all the powers and duties conferred or imposed by the said Acts shall apply to the case of persons who may, before petitioning the Court of Bankruptcy, have taken any proceedings for their relief before the Court for the Relief of Insolvent Debtors.

5.
Application to Commissioners, &c. need not be made by Counsel or Attorney. 5 & 6 Vict., c. 116.

And be it Enacted, That any affidavit of any prisoner in any of Her Majesty's prisons or gaols in England or Wales to be used in matters of bankruptcy or insolvency, or under or by virtue of any statute relating to bankrupts or insolvent debtors, or of this Act, may be sworn before the Visiting or other Justice, or if within Twelve Hours none such can attend, then by the principal Keeper or Gaoler of such prisons or gaols respectively; and they and he are hereby respectively authorized to administer the oath upon any such affidavit or affidavits.

6.
Affidavits in Bankruptcy and Insolvency may be sworn before Keepers of Prisons.

And be it Declared and Enacted, That it shall not be lawful for the Commissioners of Bankrupt to refuse the interim protecting order to any

7.
Interim Orders to persons in custody to be

granted, upon
petition, with-
out delay.

any person actually in custody and petitioning for the same, or to postpone granting such order for Two Days, or for any other period of time, upon the ground of enabling the detaining creditor to show cause against granting such order, or upon any other ground whatever.

5

8.
Taxing Offi-
cers need not
be practising
Attorneys.

AND whereas it is expedient that persons holding the office of Registrar of the Court of Bankruptcy should be capable of being appointed to the place of taxing officer of the said Court in the case hereinafter mentioned; BE it Enacted, That it shall be lawful for the Lord Chancellor to appoint any fit person, being a Registrar of the said Court, to be taxing officer of such Court, although he may not have held the office of Registrar for Five Years, provided such person was an admitted Attorney of one of Her Majesty's Superior Courts at Westminster or of the Court of Bankruptcy. of not less than Five Years' standing on the roll of such Court or Courts, and in actual practice when he was appointed to the said office of Registrar.

10

SCHEDULES

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

You are hereby required to appear before [set forth the Court's style], on the day of next, to answer such questions as may be put to you touching the not having paid to A. B. the sum of money in a certain Judgment [or Order] of [set forth the style of the Court that gave the Judgment or made the Order.]

SCHEDULE (B.)

BE pleased to summon C. D. to answer touching the Debts due to me by the Judgment [or Order] of the Court of [set forth the Court which gave the Judgment or made the Order] on my behalf.

Signed [Party's name].

(No. 3.)

Small Debts.

A

B I L L,

INTITLED,

AN ACT for the better securing the Payment
of Small Debts.

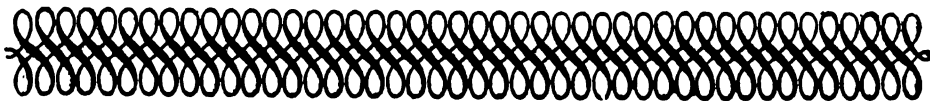
(Brought from the Lords, 24 June 1845.)

*Ordered, by The House of Commons, to be Printed,
27 June 1845.*

414.

Under 1 oz.

18 July 1845.—9 VICT.



(No. 3.)

A

B I L L,

[AS AMENDED BY THE COMMITTEE]

INTITULED,

AN ACT for the better securing the Payment of Small Debts.

[N. B.—*The Clauses marked (A.) to (N.), and Schedule (C.), were added by the Committee.*]

- W**HEREAS it is expedient and just to give Creditors a further remedy for the Recovery of Debts due to them; **B**E it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT if any person is or shall be indebted to any other in a sum not exceeding Twenty Pounds besides costs of suit, by force of any judgment obtained, or of any order for the payment thereof, or of any costs in any Court, which judgment or order shall have been obtained from any Court of competent jurisdiction in England, it shall be lawful for the creditor so having obtained a judgment or order to obtain a summons from any Commissioner of Bankrupts for the district in which such debtor shall reside or be, or from any Court of Requests or Conscience, or inferior Court of Record for the Recovery of Debts, or other Court for the recovery of Small Debts, within the jurisdiction of which such debtor shall reside or be, having a Judge who shall be either a Barrister-at-Law, Special Pleader, or an Attorney of not less than Ten Years' standing of one of Her Majesty's Superior Courts of Common Law at Westminster, which summons such Commissioner of Bankrupts or such Court shall be authorized and required to grant, according to the form in Schedule (A.) hereunto annexed, upon the application of such creditor by any
- 5
10
15
20
- Preamble.
1. Creditor obtaining Judgment or Order in respect of Debt not exceeding 20*l.*, may summon Debtor before a Commissioner of Bankrupts or Court of Requests, &c.
526. petition

A

petition or note in writing, according to the form in Schedule (B.) here-
 unto annexed ; and the debtor appearing before such Commissioner or
 Court at the time to be appointed in such summons, shall be examined
 by the said Commissioner or Court, and shall, if the creditor think fit,
 be interrogated before such Commissioner or Court by the creditor 5
 summoning him, touching the manner and time of his contracting his
 debt, the means or prospect of payment he then had, the property
 or means of payment he still hath or may have, the disposal he may
 have made of any property since contracting such debt ; and such
 creditor shall also, if such Commissioner or Court shall think fit, be 10
 examined by the said Commissioner or Court touching his claim
 against the said debtor ; and it shall be lawful for such Commissioner
 or Court to make an order on the said debtor for the payment of his
 debt by instalments or otherwise ; and in case such debtor shall not
 attend as required by the said summons, and shall not allege a suffi- 15
 cient excuse for not attending, or shall, if attending, refuse to disclose
 his property, or his transactions respecting the same, or respecting the
 contracting of the debt, or shall not make answer thereof to the
 satisfaction of the Commissioner or Court, or shall appear to such
 Commissioner or Court to have been guilty of fraud in contracting the 20
 debt, or of having wilfully contracted it without reasonable prospect
 of being able to pay it, or of having concealed or made away with
 his property in order to defeat his creditors, or if he appears to have
 the means of paying the same by instalments or otherwise, and shall 25
 not pay the same at such times as the Commissioner or Court shall
 order, then in any of the said cases it shall be lawful for such Com-
 missioner, or the Chairman, Assessor or other presiding officer of such
 Court, to order such debtor, to be committed for any time not ex-
 ceeding Forty Days to the common gaol wherein the debtors under
 judgment and in execution of the superior courts of justice may be 30
 confined within the county, city, borough or place in which such
 debtor shall be resident, or to any other gaol or debtors' prison within
 the same county, which shall by any unrevoked declaration of One
 of Her Majesty's Principal Secretaries of State be allowed as a place
 of imprisonment under this Act : Provided always, That in case a 35
 day other than the day of issuing such order for imprisonment shall be
 appointed for payment of the debt, or of any instalment thereof, no
 order for imprisonment for non-payment of the debt, or of any instal-
 ment thereof, shall be made by such Commissioner or Judge, until it
 shall be made to appear to his satisfaction that the debtor has made 40
 default, and has disobeyed the order for payment by instalment or
 otherwise.

2.
 Commis-
 sioner, &c.
 may order
 payment of
 debt out of
 salary, pay or
 pension, &c.

And be it Enacted, That in making such order for payment as
 aforesaid, it shall be lawful for such Commissioner or Court and they
 shall be authorized and required to order such debtor to make pay-
 ment

ment of his debt out of any salary or wages, or pay or half-pay or pension, which he may be entitled to receive, after making such reasonable deduction thereout as to the Commissioner or Court shall seem necessary for the subsistence of the debtor and his or her family, and the not paying as ordered out of such salary, wages, pay or pension shall be deemed such disobedience as authorizes the said Commissioner or Judge to order the imprisonment of the debtor: Provided always, That no such order for imprisonment shall be made for any longer time than Forty Days.

- 10 And be it Enacted, That every bailiff to whom any such order shall be issued shall be thereby empowered to take the body of the person against whom such order shall be made, and all constables and other peace officers within their several jurisdictions shall aid in the execution of every such order ; and no protection, or certificate, or
15 interim order issuing out of any Court of Bankruptcy, or for the relief of insolvent debtors, or otherwise howsoever, shall be available to any debtor taken in execution under such order as aforesaid.

3.
CLAUSE (A.)
How order
shall be
executed.

- And be it Declared and Enacted, That no imprisonment under this Act shall in anywise operate as satisfaction of extinguishment
20 of any debt or demand ; but any person imprisoned under this Act who shall have paid or satisfied the debt or demand and costs remaining due at the time of the order of imprisonment being made, and all subsequent costs, may be discharged out of custody by leave of the Commissioner or Judge of the Court by whom the order
25 of imprisonment was made.

4.
CLAUSE (B.)
Imprison-
ment may
cease on pay-
ment of debt.

- And be it Enacted, That the Judge of every Court of Requests or Conscience, and of every inferior Court of Record for the recovery of debts, and of every other Court for the recovery of small debts, of which the Judge is a Barrister-at-Law or Special Pleader, or an
30 Attorney of Ten Years' standing of one of Her Majesty's Superior Courts of Common Law at Westminster, in which Court proceedings shall be heard for the recovery of any debt or demand within the jurisdiction of the said Court, shall have the like powers in the suit instituted for recovery of such debt or demand, of examining the
35 parties to the suit, and upon occasion of pronouncing judgment thereon, if judgment be given for the plaintiff, shall have the like powers of further examining the parties, and in the several cases hereinbefore specified of committing the defendant to prison, which he might exercise under the provision hereinbefore contained, if judg-
40 ment for such debt or demand had been obtained in his court, and the judgment creditor had obtained a summons for such defendant from the same Court under this Act, and all the provisions of this Act shall be deemed to apply to such case as if such summons had been obtained.

5.
CLAUSE (C.)
Certain
Courts to
have the like
powers in
original suits.

6.
Where several
Courts exist
in the same
town, &c.,
business not
to be trans-
ferred from
one to the
other.

Provided always, and be it Enacted, That in any city, town or district wherein there are several Courts for the recovery of small debts, neither of the said Courts shall have any power under this Act in respect of any debt which shall have been sued for in the other of the said Courts in the same city, town or district, unless such other of the said Courts shall not have a Judge qualified as hereinbefore specified. 5

7.
Application
to Commis-
sioners, &c.
need not be
made by
Counsel or
Attorney.
5 & 6 Vict.,
c. 116.

And be it Declared and Enacted, That in making application to any Commissioner or Court as aforesaid, or taking any proceedings under this Act, or under the Act hereinbefore referred to, or under an Act made in the sixth year of the reign of Her Majesty, intituled, "An Act for the Relief of Insolvent Debtors," it shall not be requisite for any party, whether creditor or debtor, to employ either Counsel or Attorney or Solicitor. 10

8.
Affidavits in
Bankruptcy
and Insol-
vency may
be sworn
before Keep-
ers of Prisons.

And be it Enacted, That any affidavit of any prisoner in any of Her Majesty's prisons or gaols in England or Wales to be used in matters of bankruptcy or insolvency, or under or by virtue of any statute relating to bankrupts or insolvent debtors, or of this Act; may be sworn before the Visiting or other Justice, or if within Twelve Hours none such shall attend, then by the principal Keeper or Gaoler of such prisons or gaols respectively; and they and he shall be respectively authorized and required to administer the oath upon any such affidavit or affidavits. 15 20

9.
Interim
Orders to
persons in
custody to be
granted, upon
petition, with-
out delay.

And be it Declared and Enacted, That it shall not be lawful for the Commissioners of Bankrupt to refuse the interim protecting order to any person actually in custody and petitioning for the same, or to postpone granting such order for Two Days, or for any other period of time, upon the ground of enabling the detaining creditor to show cause against granting such order, or upon any other ground whatever. 25 30

10.
CLAUSE (D.)
Jurisdiction
of Courts may
be altered.

And be it Enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State at any time, by order to be by him made under his hand and seal, to enlarge the jurisdiction of any such Court of Requests or Conscience, or inferior Court of Record, for the recovery of debts, or other Court for the recovery of small debts, to all debts and demands, whether on balance of account or otherwise, or damage arising out of any express or implied agreement, not exceeding Fifteen Pounds, and in such cases as he may think fit to enlarge the district of any such Court, or where any part of the district of such Court is comprised within the jurisdiction of any other like Court, to contract the same, and all powers and authorities now vested in any such Court the jurisdiction or district whereof 35 40

whereof shall be so enlarged or the district whereof shall be so contracted, shall apply and extend to the jurisdiction or district given or limited under the powers of this Act, and that as fully as if such jurisdiction or district had been given by the Act or Acts establishing or regulating such Court and its proceedings: Provided always, That no such order shall be made in respect of any Court which shall not have a Judge who is either a Barrister-at-Law or Special Pleader, or an Attorney of one of Her Majesty's Superior Courts of Common Law at Westminster (such Attorney being of at least Ten Years' standing), and who shall be approved of by the Secretary of State making such order; and it shall be lawful for the Commissioners of any Court in which there shall be no such Judge, or a majority of those who shall be present at a meeting called for the purpose, to appoint a Judge qualified as aforesaid, subject to the approval of the said Secretary of State.

And be it Enacted, That no such order shall avail to extend the jurisdiction of any such Court for the trial of any cause in the absence of the Judge; and that whenever the number of Commissioners present at any Court shall not be sufficient for the trial of causes according to the constitution of the Court before the passing of this Act, the Judge shall act alone with all the powers of the Court, whether or not enlarged or altered under this Act, and shall determine all questions, as well of fact as of law, in the causes which shall be brought before him.

And be it Enacted, That in all cases of illness or unavoidable absence, the cause whereof shall be entered in the minutes of the Court, it shall be lawful for the Judge, or, in case of the inability of the Judge, for the Commissioners, to appoint a Deputy, qualified as is hereinbefore provided in the case of the Judge, to act for him during such illness or unavoidable absence, and any Deputy so appointed, while acting under such appointment, shall have all the powers and privilege and perform all the duties of such Judge.

And be it Enacted, That the Judge of any such Court, the jurisdiction or district whereof shall be extended under the powers of this Act, shall, subject to the approval of One of Her Majesty's Principal Secretaries of State, frame a Table of Fees to be payable by the Suitors of such Court or Courts, in respect of every proceeding therein; and a Table of such Fees shall be put in some conspicuous place in the Court-House and in the Clerk's office, and the fees on every proceeding shall be paid in the first instance by the plaintiff, or party on whose behalf such proceeding is to be had, on or before such proceeding; and all such fees shall be received by the Clerk or Clerks of such Court, who shall account to the other officers of such Court for the amount or proportion thereof, which shall be payable to them respectively; and shall

526.

B

also,

11.
CLAUSE (E.)
Who shall
be competent
to hold the
Court.

12.
CLAUSE (F.)
Appointing
of a Deputy.

13.
CLAUSE (G.)
Power for
Judge to
frame a Table
of Fees.

also, when required so to do, render an account of all such fees to the Commissioners of Her Majesty's Treasury: Provided always, That it shall be lawful for the Secretary of State to lessen the amount of the fees to be taken in any one or more of the Courts, the jurisdiction or district whereof shall be extended as aforesaid, in such manner as to him shall seem fit; and again to increase such fees, so that the scale of Fees given in the Schedule to this Act marked (C.) be not in any case surpassed: Provided also, That in all cases where any Clerk or other officer of any such Court shall have been paid by salary instead of fees, such Clerk or other officer shall continue to receive such salary, with such reasonable addition thereto, in any case in which under the powers of this Act the duties of such Clerk or other officer will become more laborious, as the Judge shall direct, with the approval of the Secretary of State; and all sums payable in the name of fees to any such Clerk or other officer over and above the amount of such Salary, shall be applicable for such purposes and in the manner prescribed by the Act or Acts of Parliament under which such Court is constituted.

14.
CLAUSE (H.)
Poundage to
be demanded
from Suitors
upon Sum
claimed.

And be it Enacted, That, for raising a fund for providing a Court-house and offices for any Court of Requests, or other Court for the recovery of small debts, the Clerk or Clerks of any such Court in which, and while it shall be necessary to raise such fund, shall demand and receive from the Plaintiff in every suit brought in that Court before he shall issue any summons in that suit, the sum of Sixpence when the debt or damage claimed shall not exceed Twenty Shillings, and for every claim exceeding Twenty Shillings, One-fortieth part thereof (neglecting any sum less than Three-pence in estimating such Fortieth part) or other such sum, in either case not exceeding the rates hereinbefore mentioned, as the Commissioners of Her Majesty's Treasury from time to time shall order, which sum shall be paid in all cases in the first instance by the plaintiff upon suit brought in such Court, and shall be considered as costs in the cause, and the Clerk or Clerks of the Court shall keep an account of all monies so paid to him or them, and shall account for the same to the Judge of such Court for the time being, and the amount thereof shall accumulate to form a general fund for such Court, and shall be applied in defraying the rent and taxes, stationery and other necessary expenses of holding and carrying on the business of such Court, in such manner as the Commissioners for the time being shall direct.

15.
CLAUSE (I.)
Lists of un-
claimed
Suitors
Money to be
made out.

And be it Enacted, That the Clerk or Clerks of every such Court shall, in the month of January in each year, make out a correct list of all sums of money belonging to suitors in the Court, which shall have been paid into Court, and which shall have remained unclaimed for for the space of Twelve calendar Months before the First day of the said

said month of January, specifying the names of the parties for whom or on whose account the same were so paid into Court; and a copy of such list shall be put up and remain, during Court hours, in some conspicuous part of the Court House, and at all times in the Clerk's office.

And be it Enacted, That all sums of money which shall have been paid into any such Court, to the use of any suitor or suitors thereof, and which shall have remained unclaimed for the period of Six Years before the passing of this Act, and all further sums of money which shall hereafter be paid into any such Court to the use of any suitor or suitors thereof, shall, if unclaimed for the period of Six Years after the same shall have been so paid into Court, vest in and belong to the Commissioners of such Court for the time being, in trust for the general purposes of such Court, and shall form a general fund for the payment of all just debts, and the necessary expenses of holding or carrying on the business of such Court.

16.
CLAUSE (K.)
All Suitors' Money paid into Court and unclaimed for Six Years to go into the Court Fund.

And be it Enacted, That any suit to be instituted in any such Court wherein the claim or demand shall exceed the sum of Five Pounds, shall be removable by certiorari or otherwise into any of Her Majesty's Superior Courts of Common Law at Westminster, or into the Court of Common Pleas at Lancaster, by leave of a Judge of any one of the said Courts, and upon such terms as he shall order.

17.
CLAUSE (L.)
Power to remove Suits exceeding 5l. into Superior Courts.

And be it Enacted, That in all cases where final judgment shall have been obtained in any such Court, and a warrant or execution shall have issued against the goods and chattels of the defendant, or an order for his commitment shall have been made under this Act, and the defendant, or his goods and chattels, shall be out of the jurisdiction of such Court, it shall be lawful for the officer charged with such warrant, execution or order of commitment to apply to any Justice of the Peace acting for any county, division or place in which the defendant or his goods and chattels shall then be, upon proof being made upon oath, (which oath such Justice shall be empowered to administer), that the person or goods and chattels of such defendant is or are believed to be within the county, division or place where such Justice of the Peace shall act, such Justice of the Peace shall sign or endorse his name upon the said warrant, execution or order of commitment, and thereupon the said officer charged therewith shall take and seize the person or the goods and chattels of the defendant wheresoever the same shall be found within the county, division or place for which such Justice of the Peace shall act; and all constables and other peace officers shall be aiding and assisting within their respective districts in the execution of the said warrants, executions or orders.

18.
CLAUSE (M.)
Power to execute Warrants and levy Executions out of jurisdiction.

19.
CLAUSE (N.)
Interpreta-
tion of the
word
"Judge."

(8).

And be it Enacted, That in the construction of this Act the word
" Judge" shall be construed to include every person being either a
Barrister-at-Law or an Attorney of one of Her Majesty's Superior
Courts of Common Law at Westminster, who, according to the consti-
tution of the Court, presides in any such Court as aforesaid, or acts
as Judge or Assessor therein, whether by the title of Judge or Bar-
rister or County Clerk, Assessor, or Steward or Deputy Steward, or
by any other style or title whatsoever. 5

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

You are hereby required to appear before [set forth the Court's
style] at [] on the day of next,
to answer such questions as may be put to you touching the not having
paid to A. B. of [] the sum of money in a certain
judgment [or order] of [set forth the style or other sufficient descrip-
tion of the Court that gave the judgment or made the order.]

By order of the Court,
(signed)

SCHEDULE (B.)

BE pleased to summon C. D. to answer touching the debts due to
me by the judgment [or order] of the Court of [set forth the style or
other sufficient description of the Court which gave the judgment or
made the order] on my behalf.

(signed) [Party's name.]

SCHEDULE (C.)

	On Debts not exceeding £.5.	On Debts exceeding £.5 and not exceeding £.10.	On Debts exceeding £.10.
	s. d.	s. d.	s. d.
JUDGE'S FEES.			
For every Summons - - - - -	1 -	2 -	3 -
For every Hearing or Trial - - - - -	2 6	7 6	10 -

	On Debts not exceeding 40 s.	On Debts exceeding 40 s., and not exceeding £.5.	On Debts exceeding £.5 and not exceeding £.10.	On Debts exceeding £.10.
	s. d.	s. d.	s. d.	s. d.
CLERKS' FEES.				
For entering every Plaint, Petition or Note - - - - -	- 6	1 -	1 6	2 -
Issuing every Summons or Subpœna - - - - -	- 6	1 -	1 6	2 -
Every Hearing or Trial - - - - -	1 -	1 6	2 -	2 6
Adjournment of any Cause or Hearing - - - - -	- 3	- 4	- 6	- 8
Swearing any Witness, Plaintiff or Defendant - - - - -	- 4	- 6	- 8	1 -
Entering and Drawing up every Judgment, Decree or Order.	- 6	1 -	6 -	2 6
Copy of every Order or Judgment - - - - -	- 3	- 6	1 -	1 3
Every Nonsuit - - - - -	- 6	1 -	2 -	2 6
Paying Money into Court, and entering same in Books - - - - -	- 3	- 4	- 6	- 8
Every Receipt on Payment of Money out of Court, exclusive of Stamp.	- 4	- 6	1 -	1 3
Issuing every Attachment, Precept, Order or Execution - - - - -	1 -	1 6	2 6	3 -
Taking Recognizance of Security for Costs - - - - -	- -	- -	2 6	3 -
Taxing Costs - - - - -	1 -	1 -	2 -	3 -

	On Debts not exceeding 40 s.	On Debts exceeding 40 s. and not exceeding £.5.	On Debts exceeding £.5 and not exceeding £.10.	On Debts exceeding £.10.
	s. d.	s. d.	s. d.	s. d.
BAILIFFS AND SERJEANTS' FEES.				
For calling every Plaintiff or Defendant - - - - -	- 2	- 3	- 5	- 6
For serving every Summons, Order or Subpœna, within One Mile of the Court House.	- 4	- 6	- 10	1 -
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House.	- 2	- 3	- 4	- 4
For the Execution of any Warrant, Precept or Attachment against the Goods or Body.	1 -	1 6	2 6	3 -
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House.	- 2	- 3	- 4	- 4
If an Assistant Serjeant should be necessary in the Judgment of the Court, then for Assistant.	- 6	1 -	2 -	2 6
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House.	- 2	- 3	- 4	- 4
For carrying every Plaintiff, Defendant or Delinquent to Prison (including all Expenses and Assistants), for every Mile.	- 6	- 6	- 6	- 6

(No. 3.)

Small Debts.

A

B I L L,

[AS AMENDED BY THE COMMITTEE]

INTITULED,

AN ACT for the better securing the Payment
of Small Debts.

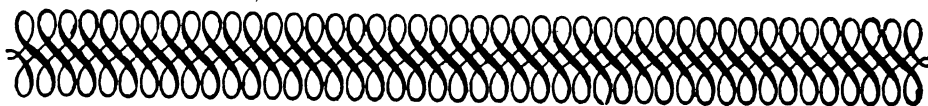
(*Brought from the Lords, 24 June 1845.*)

*Ordered, by The House of Commons, to be Printed,
18 July 1845.*

526.

Under 2 oz.

24 July 1845.—9 VICT.



(No. 3.)

A

B I L L,

[AS AMENDED BY THE COMMITTEE, ON RE-COMMITMENT, AND
ON REPORT]

INTITULED,

AN ACT for the better securing the Payment of Small Debts.

[N. B.—*The Clauses marked (A.) to (N.), and Schedule (C.), were added by the Committee, the Clauses (O.) to (R.), and Schedule (D.), on Re-commitment, and the Clauses (S.) to (U.), on the Report.*]

WHEREAS it is expedient and just to give Creditors a further remedy for the Recovery of Debts due to them; Preamble.
BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual
5 and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT if any person is or shall be indebted to any other in a sum not exceeding Twenty Pounds besides costs of suit, by force of any judgment obtained, or of any order for the payment thereof, or of any costs in any Court, which
10 judgment or order shall have been obtained from any Court of competent jurisdiction in England, it shall be lawful for the creditor so having obtained a judgment or order to obtain a summons from any Commissioner of the Court of Bankruptcy for the district in which such debtor shall reside or be, or from any Court of Requests or Conscience, or
15 inferior Court of Record for the Recovery of Debts, or other Court for the recovery of Small Debts, within the jurisdiction of which such debtor shall reside or be, having a Judge who shall be either a Barrister-at-Law, Special Pleader, or an Attorney of not less than Ten Years' standing of one of Her Majesty's Superior Courts of Common Law at Westminster, which summons such Commissioner of the Court
566. 1.
Creditor obtaining Judgment or Order in respect of Debt not exceeding 20l., may summon Debtor before a Commissioner of Bankrupts or Court of Requests, &c.

of Bankruptcy, or such Court, shall be authorized and required to grant, according to the form in Schedule (A.) hereunto annexed, upon the application of such creditor by any petition or note in writing, according to the form in Schedule (B.) hereunto annexed; and the debtor appearing before such Commissioner or Court at the time to be appointed in such summons, shall be examined by the said Commissioner or Court, and shall, if the creditor think fit, be interrogated before such Commissioner or Court by the creditor summoning him, touching the manner and time of his contracting his debt, the means or prospect of payment he then had, the property or means of payment he still hath or may have, the disposal he may have made of any property since contracting such debt; and such creditor shall also, if such Commissioner or Court shall think fit, be examined by the said Commissioner or Court touching his claim against the said debtor, and shall, if the debtor think fit, be interrogated before such Commissioner or Court by the said debtor touching the said claim against him; and it shall be lawful for such Commissioner or Court to make an order on the said debtor for the payment of his debt by instalments or otherwise; and in case such debtor shall not attend as required by the said summons, and shall not allege a sufficient excuse for not attending, or shall, if attending, refuse to disclose his property, or his transactions respecting the same, or respecting the contracting of the debt, or shall not make answer thereof to the satisfaction of the Commissioner or Court, or shall appear to such Commissioner or Court to have been guilty of fraud in contracting the debt, or of having wilfully contracted it without reasonable prospect of being able to pay it, or of having concealed or made away with his property in order to defeat his creditors, or if he appears to have the means of paying the same by instalments or otherwise, and shall not pay the same at such times as the Commissioner or Court shall order, or as the Court shall have ordered in which the original judgment shall have been obtained or order made, then in any of the said cases it shall be lawful for such Commissioner, or the Judge of such Court, to order such debtor to be committed for any time not exceeding Forty Days to the common gaol wherein the debtors under judgment and in execution of the superior courts of justice may be confined within the county, city, borough or place in which such debtor shall be resident, or to any other gaol or debtors' prison within the same county, city, borough or place, which shall by any unrevoked declaration of One of Her Majesty's Principal Secretaries of State be allowed as a place of imprisonment under this Act: Provided always, That no such summons shall be made returnable before any Commissioner of the Court of Bankruptcy unless upon a judgment obtained in one of Her Majesty's Superior Courts of Common Law or Equity.

And

And be it Enacted, That every bailiff and messenger to whom any such order shall be issued, and every officer of the High Bailiff of Westminster or Southwark, shall be thereby empowered to take the body of the person against whom such order shall be made, and all constables and other peace officers within their several jurisdictions shall aid in the execution of every such order ; and no protection, or certificate, or interim order issuing out of any Court of Bankruptcy, or for the relief of insolvent debtors, or otherwise howsoever, shall be available to any debtor imprisoned under such order as aforesaid.

2.
CLAUSE (A.)
How order
shall be
executed.

10 And be it Declared and Enacted, That no imprisonment under this Act shall in anywise operate as satisfaction or extinguishment of any debt or demand ; but any person imprisoned under this Act who shall have paid or satisfied the debt or demand and costs remaining due at the time of the order of imprisonment being made, and all subsequent costs, may be discharged out of custody by leave of the Commissioner or Judge of the Court by whom the order of imprisonment was made.

3.
CLAUSE (B.)
Imprison-
ment may
cease on pay-
ment of debt.

And be it Enacted, That the Judge of every Court of Requests or Conscience, and of every inferior Court of Record for the recovery of debts, and of every other Court for the recovery of small debts, of which the Judge is a Barrister-at-Law or Special Pleader, or an Attorney of Ten Years' standing of one of Her Majesty's Superior Courts of Common Law at Westminster, in which Court proceedings shall be had for the recovery of any debt or demand within the jurisdiction of the said Court, shall have the like powers in the suit instituted for recovery of such debt or demand, of examining the parties to the suit, and upon occasion of pronouncing judgment therein, if judgment be given for the plaintiff, shall have the like powers of further examining the parties, and in the several cases hereinbefore specified of committing the defendant to prison, which he might exercise under the provision hereinbefore contained, if judgment for such debt or demand had been obtained in his court, and the judgment creditor had obtained a summons for such defendant from the same Court under this Act, and all the provisions of this Act shall be deemed to apply to such case as if such summons had been obtained.

4.
CLAUSE (C.)
Certain
Courts to
have the like
powers in
original suits.

Provided always, and be it Enacted, That in any city, town or district wherein there are several Courts for the recovery of small debts, neither of the said Courts shall have any power under this Act in respect of any debt which shall have been sued for in the other of the said Courts in the same city, town or district, unless such other of the said Courts shall not have a Judge qualified as hereinbefore specified.

5.
Where several
Courts exist
in the same
town, &c.,
business not
to be trans-
ferred from
one to the
other.

6.
Application
to Commis-
sioners, &c.
need not be
made by
Counsel or
Attorney.
7 & 8 Vict.,
c. 96.
5 & 6 Vict.,
c. 116.

And be it Declared and Enacted, That in making application to any Commissioner or Court as aforesaid, or taking any proceedings under this Act, or under the Act of the last Session of Parliament, intituled, "An Act to amend the Law of Insolvency, Bankruptcy and Execution," or under an Act made in the sixth year of the reign of Her Majesty, intituled, "An Act for the Relief of Insolvent Debtors," it shall not be requisite for any party, whether creditor or debtor, to employ either Counsel or Attorney or Solicitor. 5

7.
Affidavits in
Bankruptcy
and Insol-
vency may
be sworn
before Keep-
ers of Prisons.

And be it Enacted, That any affidavit of any prisoner in any of Her Majesty's prisons or gaols in England or Wales to be used in matters of bankruptcy or insolvency, or under or by virtue of any statute relating to bankrupts or insolvent debtors, or of this Act, may be sworn before the Visiting or other Justice, or if within Twelve Hours none such shall attend, then by the principal Keeper or Gaoler of such prisons or gaols respectively; and they and he shall be respectively authorized and required to administer the oath upon any such affidavit or affidavits. 10 15

8.
CLAUSE (D.)
Jurisdiction
of Courts may
be altered.

And be it Enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State at any time, by order to be by him made under his hand and seal, to enlarge the jurisdiction of any such Court of Requests or Conscience, or inferior Court of Record, for the recovery of debts, or other Court for the recovery of small debts, to all debts and demands, whether on balance of account or otherwise, or damage arising out of any express or implied agreement, not exceeding Twenty Pounds, and in such cases as he may think fit to enlarge the district of any such Court, or where any part of the district of such Court is comprised within the jurisdiction of any other like Court, to contract the same, and also to make any alteration or regulation for the holding or sitting of any such Court, both as to time and place, any thing in any Act constituting any such Court to the contrary notwithstanding, and all powers and authorities now vested in any such Court the jurisdiction or district whereof shall be so enlarged or the district whereof shall be so contracted, shall apply and extend to the jurisdiction or district given or limited under the powers of this Act, and that as fully as if such jurisdiction or district had been given by the Act or Acts establishing or regulating such Court and its proceedings: Provided always, That no such order shall be made in respect of any Court which shall not have a Judge who is either a Barrister-at-Law or Special Pleader, or an Attorney of one of Her Majesty's Superior Courts of Common Law at Westminster (such Attorney being of at least Ten Years' standing), and who shall be approved of by the Secretary of State making such order; and in any Court in which there shall be no Judge qualified as aforesaid, the person or persons to whom the appointment of Judge, 20 25 30 35 40

Judge, or, if there be no Judge, to whom the appointment of any Clerk of the Court belongs, or the majority of such persons who shall be present at a meeting called for the purpose, shall, within Three calendar Months next after the making of any such order, and also
 5 within Three calendar Months next after any vacancy of the said office of Judge, appoint a Judge qualified as aforesaid, subject to the approval of the said Secretary of State; and in default of any such appointment as aforesaid, it shall be lawful for the Secretary of State to appoint a Judge, qualified as hereinbefore provided, for the
 10 Court in which such default shall have been made: Provided always, That no Judge, Clerk or officer of any Court whose emoluments shall be increased under this Act, nor any person or persons whose franchise or right of appointment to any office in any Court shall become more valuable under this Act, shall be entitled to
 15 any compensation for any such increase of emoluments, or increased value of any such franchise or right of appointment, if the same, or the value of the same, shall be diminished or taken away by any alteration in the constitution of the said Court, or otherwise, by Act of Parliament.

And be it Enacted, That every Judge of any such Court of Requests
 20 or Conscience, or inferior Court of Record for the recovery of Debts, or other Court for the recovery of Small Debts, shall be removeable for misbehaviour or incapacity, by order of the Judicial Committee of Her Majesty's Most honourable Privy Council on the petition of Her Majesty's Attorney General, presented by direction
 25 of one of Her Majesty's Principal Secretaries of State, which petition shall set forth the several charges of alleged misbehaviour or evidences of incapacity on which such removal is prayed for.

9.
 CLAUSE (S.)
 Removal of
 Judges of in-
 ferior Courts
 for misbeha-
 viour or inca-
 pacity.

And be it Enacted, That in all cases of debts and demands which were not within the jurisdiction of the Court before the passing of
 30 this Act, and also whenever the number of Commissioners present at any Court shall not be sufficient for the trial of causes according to the constitution of the Court before the passing of this Act, the Judge shall act alone with all the powers of the Court, and shall determine all questions, as well of fact as of law, in the
 35 causes which shall be brought before him.

10.
 CLAUSE (E.)
 Who shall
 be competent
 to hold the
 Court.

And be it Enacted, That in all cases of illness or unavoidable absence, the cause whereof shall be entered in the minutes of the Court, it shall be lawful for the Judge, or, in case of the inability of the Judge, for the Commissioners, or the person or persons to whom
 40 the appointment of the Judge belongs, to appoint a Deputy, qualified as is hereinbefore provided in the case of the Judge, to act for him during such illness or unavoidable absence; and it shall also be lawful for the Judge, with the approval of the person or persons to
 566. whom

11.
 CLAUSE (F.)
 Appointing
 of a Deputy.

whom the appointment of Judge belongs, and of the Secretary of State, to appoint a Deputy, qualified as aforesaid, to act for him for any time or times not exceeding in the whole One calendar Month in any consecutive period of Twelve calendar Months in any Court which shall be usually holden more than Three Days in every week; and any Deputy so appointed, while acting under such appointment, shall have all the powers and perform all the duties of such Judge: Provided always, That, independently of the power herein contained, every Judge shall have the same power of appointing a Deputy or Deputies to hold his Court for all cases of debts and demands within the jurisdiction of the Court as it was constituted before the passing of this Act which he has under the Act or Acts according to which the Court is now constituted, and that such Deputy or Deputies, if qualified as is hereinbefore provided in the case of the Judge, shall have in all cases the powers and privileges, and be subject to the same liabilities and perform all the duties of such Judge, while acting under such appointment.

12.
CLAUSE (O.)
Execution
of Process in
Westminster
and South-
wark.

And be it Enacted, That, until Parliament shall otherwise direct, the execution of all process issuing out of any of the said Courts, the jurisdiction of which shall include the City and Liberty of Westminster, or any part thereof, shall belong to the High Bailiff of Westminster and his officers, and out of any Court, the jurisdiction of which shall include the Borough of Southwark, or any part thereof, shall belong to the High Bailiff of Southwark, and his officers.

13.
CLAUSE (G.)
Power for
Judge to
frame a Table
of Fees.

And be it Enacted, That the Judge of any such Court, the jurisdiction or district whereof shall be extended under the powers of this Act, shall, subject to the approval of One of Her Majesty's Principal Secretaries of State, frame a Table of Fees to be payable by the Suitors of such Court or Courts, in respect of every proceeding therein; and a Table of such Fees shall be put in some conspicuous place in the Court-House and in the Clerk's office, and the fees on every proceeding shall be paid in the first instance by the plaintiff, or party on whose behalf such proceeding is to be had, on or before such proceeding; and all such fees shall be received by the Clerk or Clerks of such Court, who shall account to the other officers of such Court for the amount or proportion thereof, which shall be payable to them respectively; and shall also, in the month of March in every year, render to the Commissioners of Her Majesty's Treasury an account of all such fees which shall have been received in the year ending on the last day of December then next preceding: Provided always, That it shall be lawful for the Secretary of State to lessen the amount of the fees to be taken in any one or more of the Courts, the jurisdiction or district whereof shall be extended as aforesaid, in such manner as to him shall seem fit;

fit; and again to increase such fees, so that the scale of Fees given in the Schedule to this Act marked (C.) be not in any case surpassed: Provided also, That in all cases where any Clerk or other officer of any such Court shall have been paid by salary instead of fees, such Clerk or other officer shall continue to receive such salary, with such reasonable addition thereto, in any case in which under the powers of this Act the duties of such Clerk or other officer will become more laborious, as the Judge shall direct, with the approval of the Secretary of State; and all sums payable in the name of fees to any such Clerk or other officer over and above the amount of such Salary, shall be applicable for such purposes and in the manner prescribed by the Act or Acts of Parliament under which such Court is constituted; and that in awarding compensation to any Judge, Clerk or officer of any such Court under the provisions of the said Act of the last Session of Parliament, account shall be taken of the fees and emoluments to which he shall become entitled under this Act, and any increase of his fees and emoluments under this Act shall go in diminution of the amount to be awarded to him for such compensation.

7 & 8 Vict.
c. 96.

And be it Enacted, That the Registrars of the Court of Bankruptcy shall be entitled to take the fees on every proceeding had under this Act before or under the authority of any Commissioner of the Court of Bankruptcy in his district, which are specified in the Schedule marked (D.) hereunto annexed, and the Messengers and Ushers of the Courts of Bankruptcy shall be severally entitled to have the same fees which are provided as the Bailiffs' and Serjeants' fees in the Schedule (C.) hereunto annexed.

14.
CLAUSE (P.)
Fees in
Courts of
Bankruptcy.

Provided always, and be it Enacted, That nothing hereinbefore contained shall extend to or affect any fees payable by virtue of any existing Act or Acts for business or proceedings in any Court for the recovery of small debts, except such business or proceedings as shall be had under or by virtue of this Act; but it shall be lawful for the Judge of any Court, with the approval of One of Her Majesty's Principal Secretaries of State, to alter the fees receivable under the Act or Acts under which his Court is now constituted, but not so as to exceed the scale of fees given by such Act or Acts respectively.

15.
CLAUSE (Q.)
Fees under
existing Acts
not affected.

And be it Enacted, That, for raising a fund for providing a Court-house and offices for any Court of Requests, or other Court for the recovery of small debts, and for other purposes hereinafter mentioned, the Clerk or Clerks of any such Court in which, and while it shall be necessary to raise such fund, shall demand and receive from the Plaintiff in every suit brought in that Court before he shall issue any summons in that suit, the sum of Sixpence when the debt or

16.
CLAUSE (H.)
Poundage to
be demanded
from Suitors
upon Sum
claimed.

damage claimed shall not exceed Twenty Shillings, and for every claim exceeding Twenty Shillings, One-fortieth part thereof (neglecting any sum less than Three-pence in estimating such Fortieth part), or other such sum, in either case not exceeding the rates here-
inbefore mentioned, as the Commissioners of Her Majesty's Treasury 5
from time to time shall order, which sum shall be paid in all cases in the first instance by the plaintiff upon suit brought in such Court, and shall be considered as costs in the cause, and the Clerk or Clerks of the Court shall keep an account of all monies so paid to him or them, and shall account for the same to the Judge of such 10
Court for the time being, and the amount thereof shall accumulate to form a general fund for such Court, and shall be applied in providing a court-house and offices, or in defraying the rent and taxes, stationery and other necessary expenses of holding and carrying on the business of such Court, in such manner as the Court for the time being, 15
with the approval of the said Commissioners of the Treasury, shall direct.

17.
CLAUSE (T.)
Summonses
to Witnesses.

And be it Enacted, That either of the parties to the suit, or any other proceeding before any such Commissioner, or in any such Court, may obtain summonses to witnesses to be served by a messenger or 20
bailiff, with or without a clause requiring the production of books and writings in their possession or control, and in any such summons any number of names may be inserted ; and every person on whom any such summons shall be served within the jurisdiction of the Court, either personally, or by the same being left at his or her usual place 25
of abode, and to whom at the same time payment of his or her expenses shall have been made, on such scale of allowance as shall be from time to time settled by the Judge, with the approval of One of Her Majesty's Principal Secretaries of State, and who shall refuse or neglect without sufficient cause to appear, or to produce any books or 30
writings required by such summons to be produced, and also every person present in Court who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding Five Pounds, as the Commissioner or Judge shall set on him, and payment of such fine shall be enforced in like 35
manner as payment of any debt recovered by judgment of any Court of competent jurisdiction, and the whole or any part of such fine, in the discretion of the Judge, after deducting the costs, shall be applicable toward indemnifying the party injured by such refusal or neglect, and the remainder thereof shall be applicable to the expenses 40
of the Court in which the fine was imposed.

18.
CLAUSE (I.)
Lists of un-
claimed
Suitors'
Money to be
made out.

And be it Enacted, That the Clerk or Clerks of every such Court shall, in the month of March in each year, make out a correct list of all sums of money belonging to suitors in the Court, which shall have
been

been paid into Court, and which shall have remained unclaimed for for the space of Twelve calendar Months before the First day of the month of January, specifying the names of the parties for whom or on whose account the same were so paid into Court; and a copy
5 of such list shall be put up and remain, during Court hours, in some conspicuous part of the Court House, and at all times in the Clerk's office.

And be it Enacted, That all sums of money which shall have been paid into any such Court, to the use of any suitor or suitors thereof,
10 and which shall have remained unclaimed for the period of Six Years before the passing of this Act, and which are now in the hands of any officer of such Court; and all further sums of money which shall hereafter be paid into any such Court to the use of any suitor or suitors thereof, shall, if unclaimed for the period of Six Years after
15 the same shall have been so paid into Court, vest in and belong to the Judge, or Judge and Commissioners, of such Court for the time being, in trust for the general purposes of such Court, and shall form a general fund for the payment of all debts due on behalf of the Court, and the necessary expenses of holding or carrying on the business of such
20 Court.

19.
CLAUSE (K.)
All Suitors'
Money paid
into Court
and un-
claimed for
Six Years to
go into the
Court Fund.

And be it Enacted, That any suit to be instituted in any such Court wherein the claim or demand shall exceed the sum of Ten Pounds, shall be removable by certiorari or otherwise into any of Her Majesty's Superior Courts of Common Law at Westminster, or into
25 the Court of Common Pleas at Lancaster, by leave of a Judge of any one of the said Courts, and upon such terms as he shall order.

20.
CLAUSE (L.)
Power to re-
move Suits
exceeding 10*l*.
into Superior
Courts.

And be it Enacted, That in all cases where final judgment shall have been obtained in any such Court, and a warrant or execution shall have issued against the goods and chattels of the defendant, or
30 an order for his commitment shall have been made under this Act, and the defendant, or his goods and chattels, shall be out of the jurisdiction of such Court, it shall be lawful for the officer charged with such warrant, execution or order of commitment to apply to any Justice of the Peace acting for any county, division or place in which
35 the defendant or his goods and chattels shall then be, upon proof being made upon oath, (which oath such Justice shall be empowered to administer), that the person or goods and chattels of such defendant is or are believed to be within the county, division or place where such Justice of the Peace shall act, such Justice of the Peace shall
40 sign or endorse his name upon the said warrant, execution or order of commitment, and thereupon the said officer charged therewith shall take and seize the person or the goods and chattels of the defendant wheresoever the same shall be found within the county, division or place for which such Justice of the Peace shall act; and all constables
566.

21.
CLAUSE (M.)
Power to
execute War-
rants and levy
Executions
out of juris-
diction.

and other peace officers shall be aiding and assisting within their respective districts in the execution of the said warrants, executions or orders.

22.

CLAUSE (U.)
Powers of
7 & 8 Vict.,
c. 96, appli-
cable to this
Act.

And be it Declared and Enacted, That all the enactments of the said Act of the last Session of Parliament shall be deemed to apply to every proceeding under this Act, so far as the same are applicable and not repugnant to the provisions of this Act. 5

23.

CLAUSE (N.)
Interpreta-
tion of the
word
"Judge."

And be it Enacted, That in the construction of this Act the word " Judge " shall be construed to include every person being either a Barrister-at-Law, or a Special Pleader, or an Attorney of one of Her Majesty's Superior Courts of Common Law at Westminster, who, according to the constitution of the Court, presides in any such Court as aforesaid, or acts as Judge or Assessor therein, whether by the title of Judge or Barrister or County Clerk, Assessor, or Steward or Deputy Steward, or by any other style or title whatsoever; and the word " Person " shall include a body corporate; and every word importing the singular number, or masculine gender, shall include also several persons or things, and females as well as males, unless the context shall require another construction. 10 15

24.

CLAUSE (R.)
Act to apply
only to Eng-
land.

And be it Enacted, That this Act shall apply only to England.

SCHEDULES

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

You are hereby required to appear before [set forth the Court's style] at [] on the day of next, to answer such questions as may be put to you touching the not having paid to A. B. of [] the sum of money in a certain judgment [or order] of [set forth the style or other sufficient description of the Court that gave the judgment or made the order.]

By order of the Court,

(signed)

SCHEDULE (B.)

Be pleased to summon C. D. to answer touching the debts due to me by the judgment [or order] of the Court of [set forth the style or other sufficient description of the Court which gave the judgment or made the order] on my behalf.

(signed) [Party's name.]

SCHEDULE (C.)

	On Demands not exceeding 40 s.	On Demands not exceeding £.5.	On Demands exceeding £.5, and not exceeding £.10.	On Demands exceeding £.10.
JUDGE'S FEES.				
	s. d.	s. d.	s. d.	s. d.
For every Summons - - - - -	- 6	1 -	2 -	3 -
For every Hearing or Trial - - - - -	2 -	2 6	7 6	10 -
CLERKS' FEES.				
	On Demands not exceeding 40 s.	On Demands exceeding 40 s., and not exceeding £.5.	On Demands exceeding £.5, and not exceeding £.10.	On Demands exceeding £.10.
	s. d.	s. d.	s. d.	s. d.
For entering every Complaint, Petition or Note - - - - -	- 6	1 -	1 6	2 -
Issuing every Summons or Subpoena - - - - -	- 6	1 -	1 6	2 -
Every Hearing or Trial - - - - -	1 -	1 6	2 -	2 6
Adjournment of any Cause or Hearing - - - - -	- 3	- 4	- 6	- 8
Swearing any Witness, Plaintiff or Defendant - - - - -	- 4	- 6	- 8	1 -
Entering and Drawing up every Judgment, Decree or Order.	- 6	1 -	1 6	2 -
Copy of every Order or Judgment - - - - -	- 3	- 6	1 -	1 3
Every Nonsuit - - - - -	- 6	1 -	2 -	2 6
Paying Money into Court, and entering same in Books - - - - -	- 3	- 4	- 6	- 8
Every Receipt on Payment of Money out of Court, exclusive of Stamp.	- 4	- 6	1 -	1 3
Issuing every Attachment, Precept, Order or Execution - - - - -	1 -	1 6	2 6	3 -
Taking Recognizance of Security for Costs - - - - -	- -	- -	2 6	3 -
Taxing Costs - - - - -	1 -	1 -	2 -	3 -
BAILIFFS AND SERJEANTS' FEES.				
	On Demands not exceeding 40 s.	On Demands exceeding 40 s., and not exceeding £.5.	On Demands exceeding £.5, and not exceeding £.10.	On Demands exceeding £.10.
	s. d.	s. d.	s. d.	s. d.
For calling every Plaintiff or Defendant - - - - -	- 2	- 3	- 5	- 6
For serving every Summons, Order or Subpoena, within One Mile of the Court House.	- 4	- 6	- 10	1 -
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House.	- 2	- 3	- 4	- 4
For the Execution of any Warrant, Precept or Attachment against the Goods or Body.	1 -	1 6	2 6	3 -
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House.	- 2	- 3	- 4	- 4
If an Assistant Serjeant should be necessary in the Judgment of the Court, then for Assistant.	- 6	1 -	2 -	2 6
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House.	- 2	- 3	- 4	- 4
For carrying every Plaintiff, Defendant or Delinquent to Prison (including all Expenses and Assistants), for every Mile.	- 6	- 6	- 6	- 6

SCHEDULE (D.)

FEES to be taken by the REGISTRARS of the COURTS of BANKRUPTCY.

	If Debt is under £. 5.	If £. 5, and under £. 10.	£. 10. and not exceeding £. 20.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
On filing application for Summons - - - - -	- 6	- 9	1 -
For Summons - - - - -	- 6	- 9	1 -
Order - - - - -	1 -	1 6	2 -
For every Examination - - - - -	- 6	- 9	1 -
For every Warrant - - - - -	- 6	- 9	1 -
On filing Affidavits or other documents - - - - -	- 6	7 9	1 -
For every Search - - - - -	- 6	- 9	1 -
For registering every Order - - - - -	- 6	- 9	1 -
For Copies of any Documents filed, 1 $\frac{1}{2}$ d. per folio of 90 words.			

(No. 3.)

Small Debts.

A

B I L,

[AS AMENDED BY THE COMMITTEE, ON RECOM-
MITMENT, AND ON REPORT]

INTITULED,

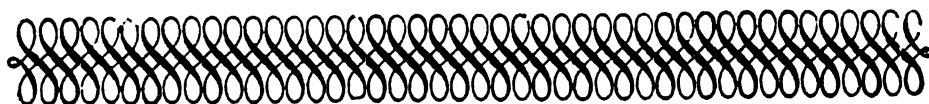
AN ACT for the better securing the Payment
of Small Debts.

(*Brought from the Lords, 24 June 1845.*)

*Ordered, by The House of Commons, to be Printed,
24 July 1845.*

566.

Under 2 oz.



A

B I L L

To prohibit the Nuisance of Smoke from Furnaces or Manfactories.

[Note.—The Words printed in *Italics* are proposed to be inserted in
the Committee.]

- W**HEREAS great loss of Fuel arises from the mismanage-
ment of the Fires of Manfactories, and much injury to the
health and comfort of the people is occasioned by the Smoke issuing
from the Furnaces and Chimnies thereof, and of the Furnaces and
5 Chimnies of plying Steam Boats on Rivers within the jurisdiction of
Towns or populous places, and the same can be remedied by proper
care and attention; ~~BE it Enacted~~, by The QUEEN's most
Excellent MAJESTY, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
10 ment assembled, and by the Authority of the same, THAT from and
immediately after the *passing of this Act* it shall be lawful for the
Justices of the Peace for any county, riding or division, usually acting
in any Special Sessions division, and for the Justices of the Peace for
any city, borough or place at any Special Sessions respectively, from
15 time to time to appoint any Police Officer or other proper person,
and they are thereby required so to do, to be Inspector of Smoke
Nuisances within the limits of such Special Sessions division, city,
borough or place, or any part thereof respectively; and such appoint-
ment from time to time to alter or cancel, as such Justices in Special
20 Sessions shall from time to time think fit, and to allow to such Inspec-
tors, or any One or more of them, such salary as the said Justices in
Special Sessions shall from time to time think fit; or in the case of any
such Inspector being a paid Policeman, to require him to perform the
duties of Inspector of Smoke Nuisances, without any additional
salary; every such salary to be charged upon and payable out of the
94. county

Preamble.

1.
Justices to
appoint
Inspector of
Smoke
Nuisances.

county rate, or such fund as is charged with the salaries of Policemen for the district for which any such Inspector is appointed ; and if there be more than one such fund, then in such proportions as the said Justices in Special Sessions shall from time to time think fit.

2.
Construction
of Terms.

AND in order to avoid frequent use of divers terms and expressions, 5
and in order to guard against the misconstruction of the terms and
expressions used in this Act; BE it Enacted, That whenever in this
Act, with reference to any person, matter or thing, any word or words
is or are used importing the singular number, or the masculine gender 10
only, such word or words shall be understood to include several per-
sons as well as one person, females as well as males, and several
matters or things as well as one matter or thing; the expression
“ opaque Smoke ” shall mean Smoke not transparent at the point of
its exit from the chimney; the word “ Furnace ” shall mean only 15
such Furnaces as are employed for the heating of steam-boilers, for the
purposes of trade or manufacture, or of steam-boats plying within the
jurisdiction of towns and cities on rivers; the word “ day ” shall mean
the entire twenty-four hours; the word “ works ” shall mean any
manufactory or place where any process of trade is carried on; the
word “ occupier ” shall mean the sole person, or any one of several 20
persons in the actual possession of any Chimney, either as owner or
owners thereof, in fee-simple, or for any smaller interest, or in case
there shall be any difficulty in ascertaining the person or persons in
possession, the owner, or any one of several owners, who would be
entitled to possession in case the same were unoccupied; unless with 25
respect to any such expressions it shall be otherwise specially pro-
vided, or there be something in the subject or context repugnant to
such constructions.

3.
Occupiers of
Furnaces to
prevent issue
of opaque
Smoke.

And be it Enacted, That from and after the *First day of January* 30
One thousand eight hundred and Forty-six, it shall not be lawful for
the occupier of any Furnace or Chimney to permit opaque Smoke to
issue from such Chimney for any longer period of time than is neces-
sary for the kindling of the fire of such Furnace in connexion with
such Chimney, and previous to the running of any engine connected
therewith, which time allowed for kindling such fire shall not exceed 35
Fifteen Minutes during one day.

4.
Penalties for
suffering
opaque
Smoke to
escape.

And be it Enacted, That from and after the said *First day of*
January One thousand eight hundred and Forty-six, if opaque Smoke 40
shall be suffered to issue from any such Chimney for any greater
number of minutes than is hereinbefore limited in that behalf, the
occupier, or any one of the occupiers of such Chimney, shall for
every first offence forfeit and pay any sum not exceeding *Forty*
Shillings, nor less than *Twenty Shillings*; and for every second
offence,

offence, any sum not exceeding *Pounds*, nor less than *Forty Shillings*; and for every additional offence, any sum not exceeding *Pounds*, nor less than *Pounds*; to be recovered in a summary way before any Two or more Justices of the Peace, in
 5 and for the county, riding, division, city, borough or place, wherein the offence shall be committed: Provided always, That if such defendant shall charge that the offence mentioned in such summons was committed, if at all, through the negligence or wilful misconduct of any other person, it shall be lawful for any Justice of the Peace of
 10 the county, riding, division, city or place, on the application of such defendant, to summon such other person to attend at the hearing, before Two or more such Justices to answer the charge of such defendant in that behalf; and such charge shall be heard and determined as the justice of the case may require; and if the defendant
 15 shall satisfactorily prove that the offence mentioned in the original summons was wholly or in part caused by the negligence or wilful misconduct of such other person, the Justices by and before whom the charge so brought by the original defendant is heard and determined, shall order the whole, or such part as they shall think fit, of the
 20 penalty and costs, if any, which are adjudged against the original defendant, to be reimbursed to him by such other person, to be levied in like manner as penalties under this Act may be levied upon any original defendant: Provided also, That if at the time of any such order being made as is last mentioned, such other person be in the
 25 receipt of or entitled to receive any wages from such original defendant, or any co-partnership of which such original defendant is a member, it shall be lawful for the said last-mentioned Justices to authorize such original defendant to deduct the sum, if any, so awarded to be reimbursed to him as aforesaid, out of the wages then or thereafter to
 30 become due from him or his co-partnership, to such other person as aforesaid, either in one sum, or by such instalments as the said Justices shall, in any such case, think fit to award.

And be it Enacted, That on the hearing, under any such summons, it shall be sufficient, in the first instance, for the party supporting the
 35 same to prove that the defendant at the time charged in such summons was the occupier, or one of the occupiers, of the Chimney mentioned in such summons, and that opaque Smoke was seen to issue from such Chimney; and in case the defendant does not appear at such hearing, or does appear and dispute the due service of the first notice or of
 40 the subsequent summons that he has been served with, the burthen of proof shall thereupon be thrown upon the defendant, to show that such issuing of opaque Smoke did not constitute an offence within the meaning of this Act.

5.
 Proof of
 offence
 against this
 Act.

**6.
Inspectors
may enter
Premises.**

And be it Enacted, That it shall be lawful for any Inspector of Smoke Nuisances to enter into any premises to ascertain the cause of opaque Smoke issuing from any Chimney therein or belonging thereto, and he shall not be deemed a trespasser for so doing.

**7.
Inspectors to
institute Pro-
ceedings
against
Persons
causing
Nuisances
from Smoke.**

And be it Enacted, That any householder within any county, riding,
division, city, borough or place where any Inspector of Smoke
Nuisances shall have been appointed, may tender his evidence of any
offence against this Act having been committed, to such Inspector, and
thereupon may require such Inspector to take proceedings against the
party offending; and in default of such Inspector taking legal pro-
ceedings and prosecuting such offence, he shall be subject to any
penalty not exceeding nor less than for
every such neglect of duty, to be recovered before any Justice of the
Peace as other penalties are by this Act directed to be levied and
recovered.

8. Form of Proceedings.

And be it Enacted, That the forms of proceedings relative to the several matters contained in this Act, which are set forth and expressed in the Schedule hereunto annexed, may be used upon any occasion, with any addition or variation as may be necessary to adapt such form of proceeding to the particular exigency of the case, and that no objection shall be made, or advantage taken, for want of form, or for the use of any different form in any such proceeding, by any person whomsoever: Provided always, That though it shall be necessary, in any summons under this Act, to state the precise hour during which the offence is alleged to have been committed, yet no variance in proof from the hour so stated shall be deemed to be fatal, unless the Justices hearing the complaint shall be of opinion that the defendant has actually been misled thereby in some material particular; but such hour shall be stated in the conviction according to the fact as proved before such Justices.

9.
Act not to
affect Nuis-
ances at Com-
mon Law.

And be it Enacted, That nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed and adjudged to be, a nuisance at common law, nor to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the common law consequences upon a conviction thereof: Provided always, That if any person convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same offence.

And

And be it Enacted, That all actions and prosecutions which shall be brought or commenced against any person for any thing done in pursuance or under the authority of this Act, shall be commenced and prosecuted within *One calendar Month* next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of action shall arise, and not elsewhere; and notice in writing of any such action, and of the cause thereof, shall be given to the defendant *One Fortnight* at the least before the commencement of the action, and the defendant in such action may plead the general issue, and give this Act and any other matter or thing in evidence under the general issue, at any trial to be had thereupon; and if the cause of action shall appear to arise from any matter or thing done in pursuance or by the authority of this Act, and if any such action shall be brought after the expiration of such *One calendar Month*, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such action shall have been commenced, by or on behalf of the defendant, the jury shall find a verdict for the defendant.

10.
Limitation of
Actions.

And be it Enacted, That any notice or summons under the provisions of this Act shall be deemed to be well and sufficiently served, in case and so far as such notice or summons, or a copy thereof, shall be served personally on the person to be affected thereby, or left for him at his usual or last place of abode, or at the works of which such Chimney forms a part.

11.
Service of
Notices or
Summonses.

And be it Enacted, That all pecuniary penalties which shall be recovered under the provisions of this Act shall respectively be distributed in manner following; (that is to say) *One moiety* thereof to the fund chargeable with the salary of the Inspector for the locality where the offence shall have been committed, and the other *moiety* thereof, with full costs, to the Inspector who shall inform and prosecute for the offence charged; but if such Inspector of Smoke Nuisances be a Policeman, with a proper salary for his time and services, he shall be entitled to have his full costs, but the whole of such penalty shall be given to such fund as aforesaid.

12.
Application
of Penalties.

And be it Enacted, That if any person, whether party or witness, shall, whilst giving evidence on his oath, or affirmation, in the course of any proceeding before any Justice of the Peace under this Act, wilfully give false evidence touching the matter of such proceeding, he shall be deemed to be guilty of wilful and corrupt Perjury, and on

13.
Penalty for
giving false
Evidence.

conviction thereof, be liable to such punishment as may by law be inflicted on persons guilty of wilful and corrupt Perjury.

14.
For compelling attend-
ance of
Witnesses.

And be it Enacted, That if any person who shall be summoned as a witness, to give evidence before any Justice of the Peace in any proceeding under the provisions of this Act, shall neglect or refuse 5
to appear before the Justice assembled at the time and place to be for that purpose appointed, without reasonable excuse, to be allowed by such Justice; or if any person so summoned shall appear, but shall refuse to be examined and give evidence, before such Justice, touching the matter of such proceeding, without a reasonable excuse to be 10
allowed by such Justice, every person so offending shall forfeit *Forty Shillings*, to be recovered on summons, and levied and applied in the same manner as other penalties under this Act: Provided always, That where such offence as last aforesaid shall consist in the refusal by a person, appearing as aforesaid, to be examined or give evidence, 15
the Justice then and there assembled may then and there, either before or after the determination of the original complaint, convict the person offending in that behalf, without further summons or hearing, and in every such case of conviction without summons, the party requiring such evidence shall be deemed to be the informer. 20

15.
Proceedings
on Informa-
tion.

And be it Enacted, That any Justice of the Peace for the county, riding, division, city, borough or place where any offence against the provisions of this Act shall be alleged to have been committed, upon information made by any Inspector of Smoke Nuisances for such county, riding, division, city, borough or place, or any inhabitant 25
householder of the parish or township wherein such offence shall be alleged to have been committed (which information need not be in writing, and need not be proved at any subsequent stage of the proceeding), within *Fourteen Days* next after the notice herewith added to this Bill served on him, shall and may, for any such offence, 30
summon the party accused, and any witness on either side, to appear before any Two or more Justices of the Peace for such county, riding, division, city, borough or place, but who need not be named in such summons, at a time and place in the said summons to be appointed for that purpose; and either on the appearance of the party accused, 35
or in default thereof, it shall be lawful for any Two or more Justices of the Peace for such county, riding, division, city, borough or place, present at the time and place appointed for such appearance, to proceed to hear the said information, and upon due proof made thereof, by voluntary confession of the party accused, or by the oath or affir- 40
mation, according to law, of One credible Witness (which oath and affirmation the said Justices are hereby authorized to administer), to give judgment for the penalty; and on non-payment thereof, any One Justice of the Peace for such county, riding, division, city, borough
or

or place, shall, when required so to do by the Inspector as aforesaid, award and issue out his warrant for the levying of any penalty so adjudged, together with the costs and expenses, and also the costs and expenses of such warrant, and of levying the same on the goods of the offender, or of him and his partner occupying such Chimney jointly with him, and to cause sale to be made of such goods in case they shall not be redeemed within *Five Days* by payment of such penalty and expenses, rendering the overplus, if any, after deducting the reasonable expenses attending such sale, to such offender or such his partner.

And be it Enacted, That upon any proceeding under any of the provisions of this Act, any party thereto, or other person interested in the result thereof, shall be deemed and is hereby declared to be a competent witness, but shall not incur any penalty by neglecting to attend or refusing to give evidence.

16.
Persons interested to be deemed competent Witnesses.

And be it Enacted, That where any proceeding under this Act shall in fact be had with competent jurisdiction, the same shall not be impeached, nor the effect thereof in any respect diminished, for want of showing jurisdiction on the face thereof, unless the same shall have been previously removed by writ of certiorari, and quashed, within the time, and subject to the restrictions now or hereafter to be imposed upon the removal by writ of certiorari of orders and convictions by Justices of the Peace.

17.
Proceedings not to be impeached for alleged want of Jurisdiction.

And be it Enacted, That in all cases where any goods or chattels distrained under the provisions of this Act are directed to be sold, the same shall be sold by public auction, and notice of the time and place of such sale shall be given to the offender, or left at his last known place of abode, or at the works whereof such Chimney forms a part, *Three Days* at the least prior to such sale : Provided always, That if such offender shall give his consent in writing to such sale as aforesaid taking place at an earlier period than is by any such notice appointed for such sale, or in any other manner than is by this Act directed, it shall be lawful to sell such goods and chattels according to such consent : Provided also, That if the said offender or any part owner of such goods and chattels shall at any time before the sale thereof pay or tender to the person who, by any warrant or other process, shall be directed or authorized to cause such goods or chattels to be sold, the sum which he shall by such warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such goods or chattels shall be made, but the same shall be returned to such offender or other person making payment or tender as aforesaid.

18.
Sale of Articles distrained.

SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

To M

THE Council of the city, town or tithing [as the case may be] do hereby give you notice, That in and by the VICTORIA, intituled, " An Act for the good Government and Police Regulation of the " it is Declared and Enacted, " That, from and after the first day of January One thousand eight hundred and Forty-six, every furnace employed or to be employed in the working of engines by steam, and every furnace employed or to be employed in any mill or factory used for the purpose of manufacture (although a steam-engine be not used or employed therein), or the furnace of any steam-boat, shall, in all cases where the same shall be practicable, be constructed so as to consume or burn the smoke arising from such furnace; and if any person shall, after the said first day of January next, use any such furnace, which shall not be so constructed as to consume or burn its own smoke, or shall so negligently use any furnace constructed to consume or burn its own smoke as that the smoke arising therefrom shall not be effectually consumed or burnt, or shall otherwise annoy the neighbourhood or inhabitants, without using the best practical means for preventing or counteracting such annoyance, every person so offending shall forfeit and pay the sum of Forty Shillings for and in respect of every week during which such furnace or annoyance shall be used and continued, after Fourteen days' notice shall have been given to him by the Council to remedy or discontinue the same: Provided always, That no means for the prevention or consumption of smoke shall be deemed practicable within the meaning of this Act, as regards their application to any dye-pan, dye-vat or dye-vessel used for the dyeing of linens, cotton, silk, wool, woollens, or any material or fabric thereof, unless it shall be proved to the satisfaction of any Justice, or in case of appeal to the satisfaction of the Court of Quarter Sessions, that such means have been successfully applied in the case of pans, vats or vessels, used in the dyeing of similar goods or materials."

The Council do hereby give you further notice, That after the first day of now next ensuing, being one fortnight and upwards after the giving to you of this notice, in case you shall not have complied with the requirements of the said Statute, or shall thereafter otherwise in any way offend against the provisions thereof, proceedings will be instituted against you for the recovery of the penalties which you will thereby incur, in accordance with the provisions in that behalf in the said Statute declared and provided.

Dated this Twenty-first day of
forty

One thousand eight hundred and

Town Clerk of the

Smoke Prohibition.

A

B I L L

To prohibit the Nuisance of Smoke from
Furnaces or Manufactories.

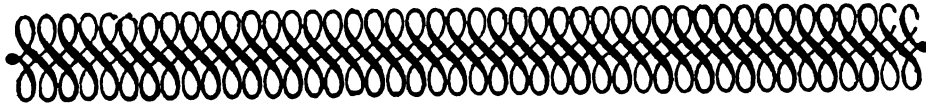
(Prepared and brought in by
*Mr. Mackinnon, Mr. Beckett, and
Lord Francis Egerton.*)

*Ordered, by The House of Commons, to be Printed,
5 March 1845.*

94.

Under 2 oz.

21 May 1845.—8 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To prohibit the Nuisance of Smoke from Furnaces or Manufactories.

NEW TITLE FOR THIRD READING :

*AN ACT to abate the Nuisance of Smoke from certain Furnaces
and Chimnies.*

[N.B.—*The Clauses marked (A.) to (I.), and the SCHEDULE, were
added by the Committee.*]

- W**HEREAS it is expedient to prevent the injury to the health and comfort of the people which is occasioned by the Smoke issuing from certain Furnaces and Chimnies; ~~AND~~ **BE** it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the First day of January in the Year One thousand eight hundred and Forty-six, it shall be lawful for the Justices of the Peace for any county, riding or division, usually acting in any Special Sessions division, and for the Justices of the Peace for any city, borough or place at any Special Sessions duly holden within their respective jurisdictions, from time to time to appoint a proper person or persons to be Inspector or Inspectors of Smoke Nuisances within the limits of such Special Sessions division, city, borough or place, or any part thereof respectively; and such appointment from time to time to alter or cancel, as such Justices in Special Sessions shall from time to time think fit, and to allow to such Inspectors, or any of them, such reasonable salary as the said Justices in Special Sessions shall from time to time think fit; every such salary to be charged upon and payable out of the county,
311. hundred
- A
- Preamble.

1.
Justices to
appoint
Inspector of
Smoke
Nuisances.

hundred or borough rate, for the county, city, borough or place for which any such Inspector is appointed, or for which he may act as such Inspector as the said Justices in Special Sessions shall from time to time think fit.

2.
Construction
of Terms.

AND in order to avoid frequent use of divers terms and expressions, 5
and in order to guard against the misconstruction of the terms and
expressions used in this Act; BE it Enacted, That whenever in this
Act, with reference to any person, matter or thing, any word or words
is or are used importing the singular number, or the masculine gender
only, such word or words shall be understood to include several per- 10
sons as well as one person, females as well as males, and several
matters or things as well as one matter or thing; that throughout this
Act the expression "opaque Smoke" shall mean Smoke not trans-
parent at the point of its exit from a chimney; the word "Furnace"
shall mean such Furnaces only as are used for the heating of stationary 15
steam-engine boilers; and the word "occupier" shall mean the
person, or any one of several persons in the actual possession of any
such Furnace, either as owner or owners, or as tenant or tenants, or any
person having the joint or separate use thereof; unless with respect
to any such expressions it shall be otherwise specially provided, 20
or there be something in the subject or context repugnant to such
construction.

3.
The issue of
opaque Smoke
prohibited.

And be it Enacted, That from and after the First day of January
One thousand eight hundred and Forty-six, opaque Smoke shall not
be permitted to issue from any Chimney of a Furnace for any longer 25
period of time than is bonâ fide necessary for the kindling of the fire
of such Furnace.

4.
Penalties for
suffering
opaque
Smoke to
escape.

And be it Enacted, That from and after the said First day of
January One thousand eight hundred and Forty-six, if opaque Smoke
shall issue from any such Chimney for any longer time than is herein- 30
before limited in that behalf, the occupier of the Furnace connected
with such Chimney, shall be guilty of an offence against this Act, and
shall for every such offence forfeit and pay any sum not exceeding
Five Pounds.

5.
CLAUSE (A.)
Complaint
may be made.

And be it Enacted, That upon complaint made to any Justice of 35
the Peace of any offence having been committed against this Act,
within the jurisdiction of such Justice, by the Inspectors appointed
by virtue of this Act, or by any other person, such Justice shall
summon the person against whom such complaint shall be made
to answer the said complaint; and if such person shall not appear 40
according to the tenor of such summons, and no sufficient cause
shall be shown for the non-appearance of such person, the Jus-
tices

5 tices before whom such person shall have been summoned to appear shall and may, upon proof of the service of such summons, hear and determine the said complaint in the absence of the said person : Provided always, That every complaint under this Act shall be made within One calendar Month next after the cause of such complaint shall have arisen, and not otherwise.

10 And be it Enacted, That every such summons may be served by delivering a copy thereof to the person complained against, or by leaving a copy thereof at his usual place of abode or business, or at the premises in which the Furnace is situated, in respect of which the offence complained of is alleged to have been committed.

6.
CLAUSE (B.)
What shall
be deemed
sufficient
Service.

15 And be it Enacted, That any Justice of the Peace to whom any such complaint shall be made, may summon any witness to appear and give evidence upon the hearing of the said complaint, and by warrant under his hand and seal may require any person to be brought before him who shall neglect or refuse to appear to give evidence at the time and place mentioned in such summons, proof upon oath being first given of personal service of the summons upon the person against whom such warrant shall be granted ; and it shall be lawful for any
20 such Justice to commit any person coming or brought before him, who shall refuse to give evidence, to the common gaol or house of correction for the county, riding, division, city, borough or place for which such Justice shall then act, there to remain without bail or mainprize, for any time not exceeding Fourteen Days, or until such
25 person shall sooner submit himself to be examined, and, in case of such submission, the order of any such Justice shall be a sufficient warrant for the discharge of such person.

7.
CLAUSE (C.)
To compel
the attend-
ance of
Witnesses.

30 And be it Enacted, That if any person, whether party or witness, shall, whilst giving evidence on his oath, or affirmation, in the course of any proceeding before any Justice of the Peace under this Act, wilfully give false evidence touching the matter of such proceeding, he shall be deemed to be guilty of wilful and corrupt Perjury, and, on conviction thereof, be liable to such punishment as may by law be inflicted on persons guilty of wilful and corrupt Perjury.

8.
Penalty for
giving false
Evidence.

35 And be it Enacted, That if on the hearing of any complaint under the provisions of this Act, it be proved that opaque Smoke was seen to issue from the Chimney mentioned or described in the said summons, for a longer time than is limited by this Act, the party complained of shall be required to show that such issuing of opaque Smoke did not constitute an offence against this Act.

9.
Proof of
Offence
against this
Act.

10.
CLAUSE (D.)
 Recovery of
 penalties.

And be it further Enacted, That all penalties by this Act imposed shall be recovered before any Two or more Justices of the Peace for and acting within the jurisdiction wherein any such offence shall have been committed, or shall be charged or shall appear to have been committed, either by confession of the party or parties offending or by the evidence of one or more witness or witnesses, upon oath or affirmation (which oath or affirmation such Justices of the Peace are hereby required to administer, and the person or persons making any such complaint is and are hereby declared to be and is and are hereby rendered in any and every such case a competent witness or competent witnesses. 5 10

11.
CLAUSE (E.)
 If no sufficient
 Distress, Of-
 fenders to be
 committed.

And be it Enacted, That where any distress is directed to be made, levied or taken by this Act, and sufficient effects to answer the said distress shall not be found, and the penalties, costs, charges and expenses attending the same shall not be forthwith paid, it shall and may be lawful for such Justices of the Peace, and they are hereby authorized and required, by warrant or warrants under their hands and seals, to cause the offender or offenders to be committed to the common gaol or house of correction of the county, riding, division, city, borough or place aforesaid, there to remain without bail or mainprize for any time not exceeding Three calendar Months, unless such penalties, and all such costs, charges and expenses, shall be sooner paid and satisfied ; and all such penalties, if not forthwith paid, shall and may be levied by distress and sale of the goods and chattels of the person or persons offending, by warrant or warrants under the hands and seals of such Justices, which warrant or warrants such Justices are hereby empowered and required to grant ; and the said penalties when received or recovered (rendering the overplus, if any there be, after deducting all the costs, charges and expenses of any summonses, complaints, hearings, warrants, and of such distress, and the keeping, appraisement or sale thereof or otherwise relating thereto, unto the person or persons whose goods and chattels shall be so distrained and sold) shall be paid under the direction of such Justices in aid of the rate out of which the salary of the Inspector appointed under this Act shall be paid, in case such penalties shall have been inflicted, upon the complaint of any such Inspector ; and in all other cases the said penalties shall be applied in aid of the rates raised for the relief of the poor in the parish or place where the offence shall have been adjudged to have been committed. 15 20 25 30 35

12.
 Party con-
 victed may
 recover of any
 other person.

And be it Enacted, That if any occupier as aforesaid, upon being convicted of any offence against this Act, shall pay the penalty and costs which may be awarded against him, and shall charge that the said offence was committed through the negligence or wilful misconduct of any other person 40

person, it shall be lawful for any Justice of the Peace for the county, riding, division, city or place, where the said offence is alleged to have been committed, to summon such other person before Two or more such Justices to answer the said charge; and if the said occupier shall

5 satisfactorily prove that the said offence was wholly or in part caused by the negligence or wilful misconduct of such other person, the Justices by and before whom the said charge is heard and determined, shall order the whole, or such part as they shall think fit, of the penalty and costs, which have been adjudged to be paid by the said

10 occupier, to be reimbursed to him by such other person, and the money so ordered to be reimbursed, shall be recovered in like manner as penalties under this Act may be recovered: Provided always, That if at the time of any such order being made as is last mentioned, such other person be in the receipt of or entitled to receive any wages from

15 such occupier, or any co-partnership of which such occupier is a member, it shall be lawful for the said last-mentioned Justices to authorize such occupier to deduct the money so ordered to be reimbursed to him as aforesaid, out of the wages then or thereafter to become due from him or his co-partnership, to such other person, either in one sum, or

20 by such instalments as the said Justices shall think fit.

And be it Enacted, That nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed and adjudged to be, a nuisance at common law, nor to exempt any person guilty of

25 a nuisance at common law from prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the common law consequences upon a conviction thereof: Provided always, That if any person convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under

30 such conviction, and the costs thereof, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same offence.

13.
Act not to
affect Nuis-
ances at Com-
mon Law.

And be it Enacted, That any Justices of the Peace, by or before

35 whom any person shall be convicted of an offence against this Act, shall and may cause the conviction of such person to be drawn up according to the Form given in the Schedule to this Act; and no conviction or other proceeding before or by any Justices of the Peace, or any order, determination or other proceeding under or in pursuance of

40 this Act, shall be adjudged to be void or insufficient for want of form, nor shall any such conviction, order or other proceeding be removed by certiorari into Her Majesty's Court of Queen's Bench, unless upon appeal to any Court of Quarter Sessions such Court shall be desirous of obtaining the opinion of Her Majesty's said Court upon a special

14.
CLAUSE (F.)
Form of
Conviction.

case, to be stated by the said Court of Quarter Sessions, which special case may then be lawfully removed into Her Majesty's said Court.

15.
CLAUSE (G.)
 Appeal may
 be made to
 the Quarter
 Sessions.

And be it Enacted, That any person who shall think himself aggrieved by any conviction or order of any Justice or Justices made in pursuance of this Act, may appeal to the next General or Quarter Sessions of the peace holden for the connty, riding, division, city, borough or place wherein the cause of complaint shall have arisen, unless such Sessions shall be holden within Ten Days next after such conviction or order, and in that case to the next subsequent Sessions holden as aforesaid, and not afterwards, such person giving to the said Justice or Justices notice in writing of his intention to appeal, and of the cause or matter thereof, within Four Days next after such conviction or order, and Five Days at the least before such Sessions, and within such Four Days, entering into a recognizance, with Two sufficient sureties, before a Justice of and acting in and for such county, riding, division, city, borough or place as aforesaid, conditioned to appear at such Sessions, and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded ; and the Court at such Sessions shall hear and determine the matter of such appeal, and shall make such order therein, with or without costs, as to the said Court shall seem meet ; and the judgment of the said Court shall be final and conclusive to all intents and purposes : Provided nevertheless, That if any person shall be convicted of an offence against this Act, and shall, when so convicted, charge that the offence has been committed through the negligence or misconduct of any other person, it shall not be lawful for such person so convicted to appeal against the said conviction ; but it shall be lawful for the person so convicted, or the said other person, respectively to appeal, in manner hereinbefore mentioned, against any order of Justices which may be made upon or in respect of such other person, or against the refusal of the said Justices to make such an order, as the case may be.

16.
CLAUSE (H.)
 Limitation of
 Actions.

And be it Enacted, That no action or suit shall be commenced against any person or persons for any matter or thing done in execution or pursuance of this Act, until after Twenty-one Days' notice in writing, signed by the person or persons intending to bring such action or suit, shall be thereof given to the person or persons against whom such action or suit is intended to be brought, nor after sufficient satisfaction shall be made or tendered, nor after Two calendar Months next after the fact has been committed for which such action or suit shall be so brought ; and in all such actions or suits, the defendant or defendants may plead the general issue, and give this Act, and the special matter in evidence at any trial or trials which shall be had thereupon,

- upon, and that the matter or thing done for or on which such action or suit shall be brought, was done in pursuance and by the authority of this Act ; and if the said matter or thing shall appear to have been so done, or if it shall appear that such action or suit was brought
- 5 before Twenty-one Days' notice was given as before directed, or that sufficient satisfaction was made or tendered or paid into Court, or if any such action or suit shall not be commenced within the time for that purpose hereinbefore limited, then the jury shall find for the defendant or defendants therein ; and if in any such action or suit a verdict
- 10 shall be found for the defendant or defendants, or if the plaintiff or plaintiffs shall become non-suited, or suffer a discontinuance of such action or suit, or if upon a demurrer or demurrers, or upon a verdict or otherwise, judgment shall be given for the defendant or defendants therein, then and in either of the cases aforesaid such defendant or
- 15 defendants shall have Treble costs, and shall have such remedies for recovering the same as any defendant may have for the recovery of costs in other cases by law.

And be it Enacted, That this Act may be amended or repealed during the present Session of Parliament.

17.
CLAUSE (I.)
Act may be
amended dur-
ing the pre-
sent Session.

SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

FORM OF CONVICTION.

to wit. } BE it Remembered, That on the day of in
 } the year of our Lord C. D.
is convicted before us, Two [or, more] of Her Majesty's Justices of the Peace for the
County [Riding, Division, City, Borough or Place] of
in pursuance of a certain Statute passed in the year of the reign of
Queen VICTORIA, intituled, "An Act to abate the Nuisance of Smoke from certain
Furnaces and Chimnies," for that he the said C. D. was, on the day
of last, the occupier of a certain Furnace situate [*here describe
the place where the Furnace is*] in the Parish of in the County
[Riding, Division, City, Borough or Place] aforesaid; and that between the hours of
and in the morning [*or, night, as the case may
be*], of the said day of last, opaque Smoke did issue from
a certain Chimney connected with the said Furnace, for a longer time than was bonâ fide
necessary for kindling the fire of the said Furnace, whereby, and by force of the said
Statute, the said C. D. hath been guilty of an offence against the said Statute; and we
do hereby adjudge that the said C. D. shall forfeit and pay for his said offence the sum
of together with the sum of for
the costs attending the said conviction.

Given under our hands and seals at

the day and year first aforesaid.

Smoke Prohibition.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To prohibit the Nuisance of Smoke from
Furnaces or Manufactories.

NEW TITLE FOR THIRD READING:

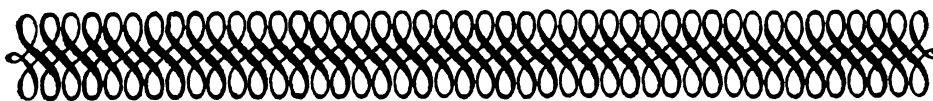
*AN ACT to abate the Nuisance of Smoke from
certain Furnaces and Chimnies.*

(Prepared and brought in by
*Mr. Mackinnon, Mr. Beckett, and
Lord Francis Egerton.*)

*Ordered, by The House of Commons, to be Printed,
21 May 1845.*

311.

Under 2 oz.



A

B I L L

For the Prevention of Smuggling.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ an Act was passed in a Session of Parliament holden in the third and fourth Years of the reign of his late Majesty King WILLIAM the Fourth, intituled, “An Act for the Prevention of Smuggling,” whereby the laws of Customs in relation to the prevention of smuggling were consolidated: And whereas since the passing of the said Act divers parts of Acts for the further amendment of the law in that respect have been found necessary; and it will be of advantage to the trade and commerce of the country that the said Act and parts of Acts should be consolidated into one Act; ~~BE it~~ **therefore Enacted**, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, *THAT* from and after the *passing of this Act* the same shall come into and be and continue in full force and operation for all the purposes mentioned therein, and that all the provisions thereof shall extend to any law in force or hereafter to be made relating to the Customs.

Preamble:

3 & 4 W. 4, c. 53.

1.
Commencement of Act.

Vessels and Boats.

And be it Enacted, That if any vessel not being square-rigged, or any boat, either belonging in the whole or in part to Her Majesty’s subjects, or having half the persons on board subjects of Her Majesty, shall be found or discovered to have been within One hundred Leagues of the coast of the United Kingdom, or if any vessel, either belonging in the whole or in part to Her Majesty’s subjects, or having half the persons on board subjects of Her Majesty, or if any foreign vessel not being square-rigged, or any foreign boat in which there shall be one or more subjects of Her Majesty, shall be found

2.
Certain Vessels belonging to Her Majesty’s subjects, or whereof half the persons on board are subjects of Her Majesty, and foreign Vessels found within certain distances of the coast of the United Kingdom, or of the Islands of Guernsey, Jersey, Alderney, Sark or Man, with certain

Vessels and Boats.

goods on board, forfeited together with the goods.

or discovered to have been within Four Leagues of that part of the United Kingdom which is between the North Foreland on the coast of Kent and Beachy Head on the coast of Sussex, or within Eight Leagues of any other part of the coast of the United Kingdom, or if any foreign vessel or boat shall be found or discovered to have been within One League of the coast of the United Kingdom, or if any vessel or boat shall be found or discovered to have been within One League of the Islands of Guernsey, Jersey, Alderney, Sark or Man respectively, or within any bay, harbour, river or creek of or belonging to any one of the said Islands, any such vessel or boat so found or discovered having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner any spirits not being in a cask or other vessel capable of containing liquids of the size or content of Twenty Gallons at the least, or any tea exceeding Six Pounds weight in the whole, or any tobacco or snuff not being in a cask or package containing Three Hundred Pounds weight of tobacco or snuff at least, or being separated or divided in any manner within any cask or package, or any tobacco stalks, or any cordage or other articles adapted and prepared for slinging or sinking small casks, or any casks or other vessels whatsoever of less size or content than Twenty Gallons of the description used for the smuggling of spirits, then and in every such case the said spirits, tea, tobacco or snuff, and tobacco stalks, together with the casks or packages containing the same, and the cordage or other articles, casks and other vessels of the description aforesaid, and also the vessel or boat shall be forfeited.

3.
Any Vessel or Boat arriving within any port of the United Kingdom or of the Isle of Man having prohibited goods on board, or attached thereto, forfeited.

And be it Enacted, That if any vessel or boat whatever shall arrive, or shall be found or discovered to have been within any port, harbour, river or creek of the United Kingdom, or of the Isle of Man, not being driven thereto by stress of weather or other unavoidable accident, having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner within any such port, harbour, river or creek, any spirits not being in a cask, or other vessel capable of containing liquids of the size or content of Twenty Gallons at the least, or any tobacco or snuff not being in a cask or package containing Three hundred Pounds weight of such tobacco or snuff, at least, or being separated or divided in any manner within any cask or package, or any tobacco-stalks, every such vessel or boat, and such spirits, tobacco, snuff or tobacco-stalks shall be forfeited: Provided always, That if it shall be made appear to the satisfaction of the Commissioners of Her Majesty's Customs that the said spirits, tobacco, snuff or tobacco-stalks were on board without the knowledge or privity of the owner or master of such vessel or boat, and without any wilful neglect or want of reasonable

Proviso.

reasonable care on their or either of their behalves, then and in such case, the said Commissioners shall, and they are hereby authorized and required to deliver up the said vessel or boat to the owner or master of the same.

Vessels and Boats.

- 5 And be it Enacted, That nothing herein contained shall extend to render any vessel of the burthen of One hundred and Twenty Tons or upwards liable to forfeiture on account of any tobacco or snuff coming direct from the East Indies, and being in packages, each containing One hundred Pounds weight of tobacco or snuff at least,
 10 or on account of any cigars being in packages, each containing One hundred Pounds weight of cigars at least, or on account of any tobacco, the produce of Mexico, Columbia, the Continent of South America, or of the Islands of Saint Domingo or Cuba, coming direct from those places respectively, or from the warehouse in any British
 15 possession in America, in packages each containing Eighty pounds weight of tobacco at least, or on account of any Negrohead tobacco, the produce of and coming direct from the United States of America, in packages each containing of such tobacco One hundred and fifty pounds weight at least, or on account of any tobacco of the
 20 dominions of the Turkish Empire which may be separated or divided in any manner within the outward package, such outward package being a hogshead, cask, chest or case containing of such tobacco Three hundred pounds weight at least, nor to render any vessel of Sixty Tons burthen or upwards liable to forfeiture on account of any
 25 tea or of any spirits in glass bottles, or in stone bottles, not exceeding the size of quart bottles, such tobacco, snuff, cigars, tea and spirits being really part of the cargo of such vessel, and included in the manifest or other papers of such vessel enumerating or describing the cargo thereof, nor to render any vessel liable to forfeiture on
 30 account of any spirits, tea or tobacco really intended for the consumption of the seamen and passengers on board during their voyage, and not being more in quantity than is necessary for that purpose, nor to render any vessel liable to forfeiture if really bound from one foreign port to another foreign port, and pursuing such voyage, wind
 35 and weather permitting.

4.
 Certain cases in which Vessels shall not be forfeited for having on board tobacco, snuff, spirits, tea or cigars.

- And be it Enacted, That when any vessel or boat belonging in the whole or in part to Her Majesty's subjects, or having One-half of the persons on board subjects of Her Majesty, shall be found within One hundred leagues of the coast of the United King-
 40 dom, and shall not bring to upon signal made by any vessel or boat in Her Majesty's service, or in the service of the Revenue hoisting the proper pendant and ensign in order to bring such vessel or boat to, and thereupon chase shall be given, if any person or persons on board such vessel or boat so chased shall, during the chase, or before such

5.
 Vessels belonging to Her Majesty's subjects, or having one-half of the persons on board subjects of Her Majesty, throwing overboard any goods during chase, forfeited, and persons escaping deemed subjects.

Vessels and Boats.

vessel or boat shall bring to, throw overboard any part of the lading of such vessel or boat, or shall stave or destroy any part of such lading to prevent seizure thereof, that then and in such case the said vessel or boat shall be forfeited, and all persons escaping from such vessels or boats, or from any foreign vessel or boat, during any chase made thereof by any vessel or boat in Her Majesty's service or in the service of the revenue, shall be deemed and taken to be subjects of Her Majesty, unless it shall be proved to the contrary. 5

6.

Certain Vessels from which goods are thrown overboard to prevent seizure to be forfeited.

And be it Enacted, That from and after the passing of this Act, every vessel not being square rigged, and every boat belonging in the whole or in part to Her Majesty's subjects, or having on board One or more of Her Majesty's subjects which shall be found or discovered to have been within *Four Leagues* of that part of the United Kingdom which is between the North Foreland on the coast of Kent and Beachy Head on the coast of Sussex, or within *Eight Leagues* of any other part of the United Kingdom, from which any part of the lading of such vessel or boat shall have been thrown overboard, or on board which vessel or boat any of the goods on board shall be staved or destroyed to prevent seizure, shall be forfeited. 10 15

7.

Vessels to bring to on being chased by Vessels or Boats of the navy or in preventive service; not bringing to may be fired into.

And be it Enacted, That in case any vessel or boat liable to seizure or examination under any Act or law for the prevention of smuggling shall not bring to when required so to do, on being chased by any vessel or boat in Her Majesty's Navy, having the proper pendant and ensign of Her Majesty's ships hoisted, or by any vessel or boat duly employed for the prevention of smuggling, having a proper pendant and ensign hoisted, it shall be lawful for the captain, master or other person having the charge or command of such vessel or boat in Her Majesty's Navy, or employed as aforesaid (first causing a gun to be fired as a signal), to fire at or into such vessel or boat, and such captain, master or other person acting in his aid or assistance, or by his direction, shall be and he is hereby indemnified and discharged from any indictment, penalty, action or other proceeding for so doing. 20 25 30

8.

Vessels in port with a cargo, and afterwards found in ballast and cargo unaccounted for, forfeited.

And be it Enacted, That if any vessel or boat whatever shall be found within the limits of any port of the United Kingdom, with a cargo on board, and such vessel or boat shall afterwards be found light or in ballast, and the master is unable to give a due account of the port or place within the United Kingdom where such vessel or boat shall have legally discharged her cargo, such vessel or boat shall be forfeited. 35 40

9.

Regulations as to Vessels sailing from Guernsey, Jersey, &c.

And be it Enacted, That no vessel or boat belonging wholly or in part to Her Majesty's subjects, shall sail from Guernsey, Jersey, Alderney,

Alderney, Sark or Man, without a clearance, whether in ballast or having a cargo, and if with cargo the master shall give bond to Her Majesty in Double the value of the vessel or boat, and of the cargo for duly landing the same at the port for which the vessel clears, and every such vessel or boat not having such clearance, or which having a clearance for a cargo shall be found light or with any part of her cargo discharged before delivery thereof at the port specified in the clearance (unless through necessity or for preservation of the vessel or boat, to be proved to the satisfaction of the Commissioner of Her Majesty's Customs), shall be forfeited.

Vessels and Boats.

AND whereas his late Majesty King GEORGE the Third, by his royal proclamation, bearing date the First day of January One thousand eight hundred and One, was pleased, with the advice of his Privy Council, to order and appoint what ensign or colours should be borne at sea by merchants' ships or vessels belonging to any of his Majesty's subjects of the United Kingdom of Great Britain and Ireland, and of the dominions thereunto belonging, thereby charging and commanding all his Majesty's subjects whatsoever, that they should not presume to wear in any of their ships or vessels his Majesty's Jack, commonly called the Union Jack, nor any pendants, nor any such colours as are usually worn by his Majesty's ships, without particular warrant for their so doing from his Majesty, or his High Admiral of Great Britain, or the Commissioners for executing the office of Lord High Admiral for the time being, and also commanding his Majesty's subjects, that without such warrant as aforesaid they should not presume to wear on board their ships or vessels any flags, jacks, pendants or colours, made in imitation of or resembling those of his Majesty, or any kind of pendant whatsoever, or any other ensign than the ensign described in the margin of the said proclamation; BE it therefore Enacted and Declared, That from and after the passing of this Act it shall not be lawful for any of Her Majesty's subjects whomsoever to hoist, carry or wear in or on board any ship, vessel or fishing-boat, or any other vessel or boat whatever, whether merchant or otherwise, belonging to any of Her Majesty's subjects, Her Majesty's Jack, commonly called the Union Jack, or any pendant or any such colours as are usually worn by Her Majesty's ships, or any flag, jack, pendant or colours whatever, made in imitation of or resembling those of Her Majesty, or any kind of pendant whatsoever, or any ensign or colours whatever, other than those prescribed by the said proclamation; and that if any person or persons shall nevertheless presume to hoist, carry or wear in or on board any ship or vessel, fishing-boat or other vessel or boat whatever belonging to any of Her Majesty's subjects, whether the same be merchant or otherwise, Her Majesty's Jack, commonly called the

10.
None of Her Majesty's subjects to hoist in their Vessels the union-jack, or any pendants, &c., usually worn in Her Majesty's ships, and prohibited to be worn by Proclamation of 1 January 1801, under a penalty not exceeding 500*l*.

Vessels and Boats.

Union Jack, or any pendant or colours such as are commonly worn by Her Majesty's ships, or any jack, flag, pendant or colours whatever made in imitation of or resembling those of Her Majesty, or any kind of pendant whatever, without such warrant as aforesaid, or any other ensign or colours than the ensign or colours prescribed by the said proclamation to be worn, then and in every such case the master or other person having charge of such ship, vessel or boat, or the owner or owners thereof being on board the same, and every other person so offending, shall for every such offence forfeit and pay a sum not exceeding *Five hundred Pounds*, to be recovered, with costs of suit, either in the High Court of Admiralty of England, or in any Vice-Admiralty Court in Her Majesty's Colonies, or in any of Her Majesty's Courts of Queen's Bench or Exchequer at Westminster or Dublin, at the suit of Her Majesty's Attorney-General, or in the Courts of Session or Exchequer in Scotland respectively, and that it shall be lawful for any officer of Her Majesty's Navy or Marines belonging to any of Her Majesty's ships, or any officer of the Customs or Excise to enter on board any ship, vessel or boat so hoisting, wearing or carrying any jack, flag, ensign, pendant or colours prohibited by the said proclamation and by this Act to be hoisted, worn or carried, and to seize and take away the same, and the same shall thereupon become forfeited.

11.
Vessels and Boats
used in removal of
run goods to be
forfeited.

And be it Enacted, That all vessels and boats made use of in the removal, carriage or conveyance of any goods liable to forfeiture under this or any other Act relating to the revenue of Customs shall be forfeited.

12.
Boats of Vessels to
have thereon the
name of Vessel,
port and master.

And be it Enacted, That the owner of every vessel belonging in the whole or in part to any of Her Majesty's subjects shall paint or cause to be painted, upon the outside of the stern of every boat belonging to such vessel, the name of such vessel, and the port or place to which she belongs, and the master's name withinside the transom, in white or yellow Roman letters, not less than Two Inches in length, on a black ground, on pain of the forfeiture of such boat not so marked wherever the same shall be found.

13.
Boat not belonging
to ships to have
name of owner and
port thereon.

And be it Enacted, That the owner of every boat not belonging to any vessel, shall paint or cause to be painted upon the stern of such boat, in white or yellow Roman letters, of Two Inches in length, on a black ground, the name of the owner or owners of the boat, and the port or place to which she belongs, on pain of the forfeiture of such boat not so marked wherever the same shall be found.

14.
Vessels and Boats
used in piloting or
fishing to be painted

And be it Enacted, That the owner or owners of every vessel or boat employed on the coasts of the United Kingdom in piloting or

Vessels and Boats.

or fishing, shall paint or tar every such vessel or boat, or cause the same to be painted or tarred entirely black, except the name or other description required by law to be painted on such vessel or boat, and every such vessel or boat found not so painted or tarred, and every boat so
 5 painted as to resemble any boat usually employed for the prevention of smuggling or in any other employment in Her Majesty's service shall be forfeited: Provided always, That nothing herein contained shall extend to prevent any distinguishing mark from being placed on any such vessel or boat, or to prevent any such vessel or
 10 boat from being otherwise painted, if the Commissioners of Her Majesty's Customs shall think proper to allow the same, and which shall be so expressed in the license of the said vessel or boat.

black, and not to be painted like preventive boats.

And be it Enacted, That all vessels and boats belonging in the whole or in part to Her Majesty's subjects, having false bulkheads,
 15 false bows, double sides or bottoms, or any secret or disguised place whatsoever in the construction of such vessels or boats adapted for the purpose of concealing goods, or having any hole, pipe or other device in or about such vessels or boats adapted for the purpose of running goods, shall be forfeited, with all the guns, furniture, ammu-
 20 nition, tackle and apparel belonging to such vessels or boats, and that all foreign vessels or boats not being square-rigged, coming to or arriving at any port of the United Kingdom having on board any goods liable to the payment of Duties, or prohibited to be imported into the United Kingdom, concealed in false bulk-heads, false bows,
 25 double sides or bottoms, or in any secret or disguised place whatsoever in the construction of such last-mentioned vessels or boats, shall be forfeited.

15.
 British Vessels having secret places for concealing, or devices for running goods, and foreign Vessels not square rigged having goods in secret places, forfeited.

Licenses.

And be it Enacted, That all vessels belonging in the whole or in part to Her Majesty's subjects, not being square-rigged or propelled
 30 by steam, and all vessels belonging as aforesaid, whether propelled by steam or otherwise, being of the burthen of One hundred and Seventy Tons, or less, of which the length is to the breadth in a greater proportion than Three Feet Six Inches to One Foot, and all such last-mentioned vessels carrying arms for resistance, and all vessels of the
 35 burthen of One hundred and Seventy Tons or more, belonging as aforesaid, armed with more than Two carriage-guns, of a calibre exceeding Four Pounds, and with more than Two Muskets for every Ten Men, and all boats, belonging as aforesaid, which shall be found within One hundred Leagues of the coast of the United Kingdom,
 40 shall be forfeited, unless the owners thereof shall have obtained a license from the Commissioners of Her Majesty's Customs in the manner hereinafter described.

16.
 Vessels requiring a license.

17.

Vessels and Boats belonging to Her Majesty's subjects, or whereof half the persons on board are subjects of Her Majesty, not to be navigated with a greater number of persons than herein mentioned, unless licensed.

And be it Enacted, That every vessel or boat belonging in the whole or in part to Her Majesty's subjects, or whereof One-half of the persons on board shall be subjects of Her Majesty, (not being a lugger, and at the time fitted and rigged as such), which shall be navigated by a greater number of men (officers and boys included) than in the following proportions; (that is to say), if of Thirty Tons or under, and above Five Tons, Four Men; if of Sixty Tons or under, and above Thirty Tons, Five Men; if of Eighty Tons or under, and above Sixty Tons, Six Men; if of One hundred Tons or under, and above Eighty Tons, Seven Men; and above that Tonnage, One Man for every Fifteen Tons of such additional Tonnage; or, if a lugger, then in the following proportions; (that is to say), if of Thirty Tons or under, Eight men; if of Fifty Tons or under, and above Thirty Tons, Nine Men; if of Sixty Tons or under, and above Fifty Tons, Ten Men; if of Eighty Tons or under, and above Sixty Tons, Eleven Men; if of One hundred Tons or under, and above Eighty Tons, Twelve men; and if above One hundred Tons, One Man for every Ten Tons of such additional Tonnage, which shall be found within One hundred leagues of the coast of the United Kingdom shall be forfeited, unless such vessel, boat or lugger shall be especially licensed for that purpose by the Commissioners of Her Majesty's Customs.

18.

Certain particulars to be inserted in Licenses for Vessels and Boats.

And be it Enacted, That every license granted by the Commissioners of Her Majesty's Customs for any vessel or boat requiring license under this Act, shall contain the proper description of such vessel or boat, the name or names of the owner or owners, with his or their place or places of abode, and the manner and the limits in which the same is to be employed, and, if armed, the numbers and descriptions of arms, and the quantity of ammunition, together with any other particulars which the said Commissioners may require and direct, and that it shall be lawful for the said Commissioners to restrict the granting of a license for any vessel or boat in any way that they may deem expedient for the security of the Revenue.

19.

The owner to give security by bond with the condition herein mentioned.

And be it Enacted, That before any such license shall be issued or delivered or shall have effect for the use of such vessel or boat, the owner or owners of every such vessel or boat shall give security by bond in the single value of such vessel or boat with condition as follows; (that is to say), that the vessel or boat shall not be employed in the importation, landing or removing of any prohibited or uncustomed goods, contrary to the true intent and meaning of this Act, or any other Act relating to the Customs or Excise, nor in the exportation of any goods which are or may be prohibited to be exported, nor in the relanding of any goods contrary to law, nor shall receive

receive or take on board or be found at sea or in port with any goods subject to forfeiture, nor shall do any act contrary to this Act or any Act hereafter to be made relating to the Customs or Excise, or for the protection of the trade and commerce of the United Kingdom,
 5 nor shall be employed otherwise than mentioned in the license and within the limits therein mentioned, and in case of loss, breaking up or disposal of the vessel or boat that the license shall be delivered up within *Six Months* from the date of such loss, breaking up or disposal of such vessel or boat to the collector or principal officer of Customs
 10 at the port at which such vessel or boat shall belong, and that no such bond given in respect of any boat shall be liable to any stamp duty.

Licenses.

And be it Enacted, That nothing herein contained shall authorize the requiring any bond in any higher sum than *One thousand*
 15 *Pounds*, although the single value of the vessel or boat for which such license is to be issued may be more than *One thousand Pounds*.

20.
 Penalty of bond not to exceed 1,000 £.

And be it Enacted, That all bonds given by persons under the age of Twenty-one years, in pursuance of the directions herein contained, shall be valid and effectual to all intents and purposes, any-
 20 thing in any Act or any law or custom to the contrary in anywise notwithstanding.

21.
 License bonds given by minors to be valid.

And be it Enacted, That when any vessel or boat shall be found or discovered to have been used or employed in any manner or in any limits other than such as shall be specified in the license hereby
 25 required, or if such license shall not be on board such vessel or boat, or shall not at any time be produced and delivered for examination to any officer or officers of the army, navy or marines, duly employed for the prevention of smuggling, and on full pay, or any officer of Customs or Excise demanding the same, then and in every such
 30 case such vessel or boat, and all the goods laden on board, shall be forfeited.

22.
 Vessels not to be used in any manner not mentioned in the license, which is to be produced when demanded.

Provided always, and be it Enacted, That nothing herein contained shall extend, or be deemed or taken to extend, to any vessel, boat or lugger belonging to any of the Royal Family, or being in the service
 35 or the Navy, Victualling, Ordnance, Customs, Excise or Post Office, nor to any whale-boat or boat solely employed in the fisheries, nor to any boat belonging to any square-rigged vessel in the merchant service, nor to any life-boat, nor to any tow-boat belonging to licensed pilots used in towing vessels, nor to any boat used solely in rivers or inland navigation, nor to any boats solely used in fishing on the coast of Ireland or Scotland.

23.
 Certain Vessels, Boats and Luggers not required to be licensed.

24.
Penalty for counter-
feiting or falsifying
licenses, or making
use thereof.

And be it Enacted, That if any person or persons shall counterfeit, erase, alter or falsify, or cause to be counterfeited, erased, altered or falsified any license so to be granted as aforesaid, or shall knowingly make use of any license so counterfeited, erased, altered or falsified, such person or persons shall for every such offence forfeit the sum of *Five hundred Pounds*.

25.
How long bonds are
to be in force.

And be it Enacted, That no bond given on account of the license of any vessel or boat under this or any other Act for the prevention of smuggling shall be cancelled until the space of Twelve Months after the license for which such bond had been entered into shall have been delivered up to the proper officer of the Customs, and such bond shall remain in full force and effect for Twelve Months after the delivering up of the license as aforesaid.

26.
Licenses and bonds
granted previous to
this Act to continue
valid.

And be it Enacted, That all licenses for any vessels or boats granted in pursuance of any former Act relating to the Customs, or for the prevention of smuggling, shall continue valid for all the purposes for which such licenses were required; and all bonds given in pursuance of any such Act shall continue valid, and may be in force, any thing herein contained notwithstanding.

27.
Provisions as to
licenses to extend to
Guernsey, &c.
Vessels and Goods.

And be it Enacted, That all the provisions herein contained relating to the licensing of vessels and boats, shall extend to the islands of Guernsey, Jersey, Alderney, Sark and Man.

28.
Goods unshipped
without payment of
Duty, and prohibited
goods liable to for-
feiture, with the
boats, &c., used in
removal.

And be it Enacted, That if any goods liable to the payment of Duties shall be unshipped from any vessel or boat in the United Kingdom or the Isle of Man (Customs or other Duties not being first paid or secured), or if any prohibited goods whatsoever shall be imported or brought into any part of the United Kingdom, or of the Isle of Man, or if any goods whatever, which shall have been warehoused or otherwise secured in the United Kingdom, or in the Isle of Man, either for home consumption or exportation, shall be clandestinely or illegally removed from or out of any warehouse or place of security, then and in every such case all such goods as aforesaid shall be forfeited, together with all horses and other animals, and all carriages and other things made use of in the removal of such goods.

29.
Goods concealed on
board a Vessel for-
feited, and all goods
packed therewith.

And be it Enacted, That if any goods which are subject to any Duty or restriction in respect of importation, or which are prohibited to be imported into the United Kingdom, shall be found or discovered to have been concealed in any manner on board any vessel or boat within the limits of any port of the United Kingdom, or of the Isle of Man,

Man, or shall be found either before or after landing to have been concealed in any manner on board such vessel or boat within such limits as aforesaid, that then and in every such case all such goods and all other goods which shall be packed with or used in concealing them, shall be forfeited.

Vessels and Goods.

And be it Enacted, That all spirits and all tobacco for which a permit is by law required, which shall be found removing without a legal permit for the same, shall be deemed to be spirits or tobacco respectively liable to and unshipped without payment of Duty, unless the party in whose possession the same shall be found or seized, shall prove to the contrary.

30.
Spirits and tobacco found removing without a permit to be deemed run.

And be it Enacted, That all goods, the importation of which is in any way restricted, which are of a description admissible to Duty, and which shall be found or seized in the United Kingdom or in the Isle of Man, under any law relating to the Customs or Excise, shall, for the purpose of proceeding for the forfeiture of them, or for any penalty incurred in respect of them, be deemed to be and shall be described in any information exhibited on account of such forfeiture or penalty as goods liable to and unshipped without payment of Duties.

31.
Restricted goods to be deemed run goods for the purpose of proceeding for forfeiture or penalty.

And be it Enacted, That if any goods which are prohibited to be exported shall be put on board any vessel or boat with intent to be laden or shipped for exportation, or shall be brought to any quay, wharf or other place in the United Kingdom, in order to be put on board any vessel or boat for the purpose of being exported, or if any goods which are prohibited to be exported shall be found in any package produced to the officer or officers of Customs as containing goods not so prohibited, then and in every such case, not only all such prohibited goods, but also all other goods packed therewith, shall be forfeited.

32.
Prohibited goods shipped or waterborne with intent to be exported, &c. forfeited, with all goods packed therewith.

And be it Enacted, That all vessels and boats, and all goods whatsoever, liable to forfeiture under this or any other Act relating to the Customs, shall and may be seized in any place either upon land or water, by any officer or officers of Her Majesty's Army, Navy or Marines, duly employed for the prevention of smuggling, and on full pay, or by any officer or officers of Customs or Excise or by any person having authority to seize from the Commissioners of Her Majesty's Customs or Excise, and all vessels, boats and goods so seized shall, as soon as conveniently may be, be delivered into the care of the proper officer appointed to receive the same.

33.
Vessels, Boats and Goods may be seized by officers and persons herein mentioned, and must be delivered to the proper officer.

34.
Penalty on officers
and persons making
collusive seizures, or
taking bribes, and
on persons offering
them.

And be it Enacted, That if any officer or officers of the Customs or Excise, or any officer or officers of the Army, Navy or Marines, duly employed for the prevention of smuggling, and on full pay, or any other person or persons whomsoever duly employed for the prevention of smuggling, shall make any collusive seizure, or deliver up, or make any agreement to deliver up, or not to seize any vessel or boat, or any goods liable to forfeiture, or shall take any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of *Five hundred Pounds*, and be rendered incapable of serving Her Majesty in any office whatever, either civil or military; and every person who shall give or offer, or promise to give, or procure to be given, any bribe, recompense or reward to, or shall make any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to do, conceal or connive at any act whereby any of the provisions of any Act of Parliament relating to the Customs may be evaded, shall forfeit the sum of *Two hundred Pounds*.

35.
Vessels may be
searched within the
limits of the ports,
as also persons on
board, or who may
have landed from
them, if the officers
have reason to
suspect goods are
concealed about
their persons.

And be it Enacted, That it shall and may be lawful to and for any officer or officers of the Army, Navy or Marines, duly employed for the prevention of Smuggling, and on full pay, or for any officer or officer of Customs, producing his or their warrant or deputation (if required) to go on board any vessel which shall be within the limits of any of the ports of the United Kingdom, and to rummage and to search the cabin and all other parts of such vessel for prohibited or uncustomed goods, and to remain on board such vessel during the whole time that the same shall continue within the limits of such port, and also to search any person or persons, either on board, or who shall have landed from any vessel, provided such officer or officers shall have good reason to suppose that such person or persons hath or have any uncustomed or prohibited goods secreted about his, her or their person or persons, and if any person shall obstruct any such officer or officers in going or remaining on board, or in entering or searching such vessel or person, every such person shall forfeit and lose the sum of *One hundred Pounds*.

36.
Before persons are
searched, they may
require to be taken
before a Justice or a
superior officer of
Customs, who
shall determine
whether there are
reasonable grounds
of suspicion.

And be it Enacted, That before any person shall be searched by any such officer or officers as aforesaid, it shall be lawful for such person to require such officer or officers to take him or her before any Justice of the Peace, or before the Collector, Comptroller or other superior officer of the Customs, who shall determine whether there is reasonable ground to suppose that such person has any uncustomed or prohibited goods about his or her person, and if it shall appear to such Justice, Collector, Comptroller or other superior officer of

of Customs that there is reasonable ground to suppose that such person has any uncustomed or prohibited goods about his or her person, then such Justice, Collector, Comptroller or other superior officer of Customs shall direct such person to be searched, in such manner as he shall think fit ; but if it shall appear to such Justice, Collector, Comptroller or other superior officer of Customs that there is not reasonable ground to suppose that such person has any uncustomed or prohibited goods about his or her person, then such Justice, Collector, Comptroller or other superior officer of Customs shall forthwith discharge such person, who shall not in such case be liable to be searched, and every such officer or officers as aforesaid is and are hereby authorized and required to take such person, upon demand, before any such Justice, Collector, Comptroller or other superior officer of Customs, detaining him or her in the meantime : Provided always, That no person being a female shall be searched by any other person than a female, duly authorized for that purpose by the Commissioners of Her Majesty's Customs.

Vessels and Goods.

And be it Enacted, That if any such officer or officers shall not take such person with reasonable despatch before such Justice, Collector, Comptroller or other superior officer of Customs when so required, or shall require any person to be searched by him, not having reasonable ground to suppose that such person has any uncustomed or prohibited goods about his or her person, such officer shall forfeit and pay the sum of *Ten Pounds*.

37.
Penalty on officers for misconduct with respect to search.

And be it Enacted, That if any passenger or other person on board any vessel or boat shall, upon being questioned by any officer or officers of Her Majesty's Customs whether he or she has any foreign goods upon his or her person, or in his or her possession, deny the same, and any such goods shall, after such denial, be discovered upon his or her person, or in his or her possession, such goods shall be forfeited, and such person shall forfeit *Treble* the value of such goods.

38.
Penalty on persons on board denying having foreign goods about them.

And be it Enacted, That it shall and may be lawful for any officer or officers of Customs, or person acting under the direction of the Commissioners of Her Majesty's Customs, having a writ of assistance under the seal of Her Majesty's Court of Exchequer, to take a Constable, headborough or other public officer inhabiting near the place, and in the day-time to enter into and search any house, shop, cellar, warehouse, room or other place, and, in case of resistance, to break open doors, chests, trunks and other packages, there to seize, and from thence to bring any uncustomed or prohibited goods, and to put and secure the same in the Custom-house warehouse in the port next to the place from whence such goods shall be so taken as aforesaid :

39.
Officers authorized by writ of assistance, and having a peace officer, may search houses for uncustomed or prohibited goods, and break open doors and packages to seize such goods.

Vessels and Goods. — Provided always, That for the purposes of this Act any such Constable, Headborough or other public officer, duly sworn as such, may act as well without the limits of any parish, ville or other place for which he shall be so sworn as within such limits.

40. *Duration of writs of assistance.* And be it Enacted, That all writs of assistance so issued from the Court of Exchequer as aforesaid shall continue and be in force during the whole of the reign in which such writs shall have been granted, and for *Six Months* from the conclusion of such reign. 5

41. *Officers of Customs or Excise may on probable cause stop carts, &c., and search for goods.* And be it Enacted, That it shall be lawful for any officer of Customs or Excise or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, upon reasonable suspicion to stop and examine any cart, waggon or other means of conveyance, for the purpose of ascertaining whether any smuggled goods are contained therein, and if no such goods shall be found, then and in such case the officer or other person so stopping and examining such cart, waggon or other conveyance having had probable cause to suspect that such cart, waggon or other conveyance had smuggled goods contained therein, shall not on account of such stoppage and search be liable to any prosecution or action at law on account thereof, and all persons driving or conducting such cart, waggon or other conveyance refusing to stop when required so to do in the Queen's name, shall forfeit the sum of *One hundred Pounds*. 10 15 20

42. *Police officers seizing goods to carry them to the Custom-house Warehouse.* And be it Enacted, That if any goods subject or liable to forfeiture under this or any other Act relating to the Customs, shall be stopped or taken by any police officer or other person acting by virtue of any Act of Parliament or otherwise duly authorized, such goods shall be carried to the Custom-house warehouse next to the place where the goods were stopped or taken, and there delivered to the proper officer appointed to receive the same within *Forty-eight Hours* after the said goods were stopped and taken. 25 30

43. *Goods stopped by police officers may be retained until trial of persons charged with stealing them.* And be it Enacted, That if any such goods shall be stopped or taken by such police officer on suspicion that the same had been feloniously stolen, it shall be lawful for the said officer to carry the same to the police-office to which the offender is taken, there to remain until and in order to be produced at the trial of the said offender, and in such case the officer is required to give notice in writing to the Commissioners of Her Majesty's Customs of his having so detained the said goods, with the particulars of the same, and immediately after the trial of such offender, all such goods shall be conveyed to and deposited in the Custom-house warehouse as aforesaid, said, 35

said, to be proceeded against according to law; and in case any police officer making detention of any such goods shall neglect to convey the same to such warehouse, or to give the notice of having stopped the same as before described, such officer shall forfeit the sum of *Twenty Pounds*.

And be it Enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the time being, or for the Commissioners of Her Majesty's Customs or Excise, by any order made for that purpose under their hands, to direct any vessel, boat, goods or commodities whatever seized under this or any Act relating to the Customs or Excise, or to the trade or navigation of the United Kingdom, or to any of Her Majesty's possessions abroad, to be delivered to the proprietor or proprietors thereof, whether condemnation shall have taken place or not, and also to mitigate or remit any penalty or fine, or any part of any penalty or fine, incurred under any such Act as last aforesaid, or to release from confinement any person or persons committed under this or any Act relating to the Customs, on such terms and conditions as to them respectively shall appear to be proper: Provided always, That no person shall be entitled to the benefit of any order for such delivery, mitigation, remission or release, unless such terms and conditions are fully and effectually complied with.

And be it Enacted, That every person who shall, either in the United Kingdom or the Isle of Man, unship or assist or be otherwise concerned in the unshipping of any goods which are prohibited to be imported into the United Kingdom or into the Isle of Man, or the Duties for which have not been paid or secured, or who shall knowingly harbour, keep or conceal, or shall knowingly permit or suffer to be harboured, kept or concealed, any goods which shall have been illegally unshipped without payment of duties, or which shall have been illegally removed without payment of the same from any warehouse or place of security in which they may have been deposited, or any goods prohibited to be imported or to be used or consumed in the United Kingdom or in the Isle of Man, and every person either in the United Kingdom or in the Isle of Man to whose hands and possession any such prohibited or uncustomed goods shall knowingly come, or who shall assist or be in anywise concerned in the illegal removal of any goods from any warehouse or place of security in which they shall have been deposited as aforesaid, shall forfeit either the Treble value thereof, or the penalty of *One hundred Pounds*, at the election of the Commissioners of Her Majesty's Customs.

And be it Enacted and Declared, That in all cases where any penalty, the amount of which is at any time to be determined by the value

Vessels and Goods

44.
Commissioners of Treasury, or Commissioners of Customs or Excise, may restore seizures, and mitigate or remit punishments and penalties.

Penalties.

45.
Persons unshipping, harbouring or having custody of any prohibited or uncustomed goods to forfeit the value, or 100*l*.

46.
How value is to be ascertained.

Penalties.

value of any goods, is directed to be sued for under any Act relating to the Customs or Excise, such value shall, as regards proceedings in any of Her Majesty's Courts of Record at Westminster, Dublin or Edinburgh, or in the Royal Courts of Guernsey, Jersey, Alderney, Sark or Man, be estimated and taken according to the rate and price 5 which goods of the like sort or denomination of the best quality, and upon which the duties of importation shall have been paid, were sold for in London, Dublin, Edinburgh, or at the Islands of Guernsey, Jersey, Alderney, Sark or Man respectively, at or about the time of the commission of the offence, (as the penalty may have been incurred 10 in England, Ireland, Scotland, or at any of the said Islands respectively), and that as regards proceedings before Magistrates, such value shall be estimated and taken in the like manner, according to the rate and price for which such goods were sold in some town at or near to the place where the offence shall have been committed. 15

47.
Persons insuring the delivery of prohibited or uncustomed goods to forfeit 500 £.

And be it Enacted, That every person who, by way of insurance or otherwise, shall undertake or agree to deliver any goods to be imported from parts beyond the seas into any port or place in the United Kingdom, without paying the Duties due thereon on such importation, or any prohibited goods, or who, in pursuance of such 20 insurance or otherwise, shall deliver or cause to be delivered any uncustomed or prohibited goods, and every aider or abettor of such person shall for every such offence forfeit the sum of *Five hundred Pounds*, over and above any other penalty to which by law he may be liable ; and every person who shall agree to pay any money for the 25 insurance or conveying of such goods, or shall receive or take such goods into his custody or possession, or suffer the same to be so received or taken, shall also forfeit *Five hundred Pounds* over and above any penalty to which by law he may be liable on account of such goods. 30

48.
Penalty on persons offering goods for sale under pretence of being run or prohibited.

And be it Enacted, That if any person or persons shall offer for sale any goods under pretence that the same are prohibited or have been unshipped and run on shore without payment of duties, that then and in such case all such goods (although not liable to any duties or prohibited) shall be forfeited, and the person or persons, and every of 35 them, offering the same for sale shall forfeit the *Treble* value of such goods, or the penalty of *One hundred Pounds*, at the election of the Commissioners of Her Majesty's Customs.

49.
Persons found or discovered to have been on board Vessels liable to forfeiture for being found within certain limits of the coast, subject to be committed to any house of correction.

And be it Enacted, That every person being a subject of Her Majesty, who shall be found or discovered to have been on board any 40 vessel or boat liable to forfeiture under this or any Act relating to the Customs, for being found or discovered to have been within any of the distances in this Act mentioned, from the United Kingdom,

Kingdom, or from the Isle of Man, having on board or in any manner attached thereto, or having had on board, or in any manner attached thereto, or conveying or having conveyed in any manner such goods or things as subject such vessel or boat to forfeiture, or who shall be found or discovered to have been within any such distances as aforesaid, on board any vessel or boat from which any part of the cargo or lading of such vessel or boat shall have been thrown overboard, or staved or destroyed to prevent seizure, and every person not being a subject of Her Majesty, who shall be found or discovered to have been on board any vessel or boat liable to forfeiture, for any of the causes last aforesaid, within *One League* of the coast of the United Kingdom, or of the Isle of Man, shall, upon being duly convicted of any of the said offences before any Two Justices of the Peace, be adjudged by such Justices for the first of such offences to be imprisoned in any house of correction, and there kept to hard labour for any term not less than *Six* nor greater than *Nine* calendar Months; and for the second of such offences, for any term not less *Nine*, nor greater than *Twelve* calendar Months; and for the third or any subsequent offence, for *Twelve* calendar Months; and it shall be lawful for any officer or officers of the Army, Navy or Marines, being duly employed for the prevention of smuggling, and on full pay, or any officer or officers of Customs or Excise, or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, and he and they is and are hereby authorized, empowered and required to detain every such person, and to take such person before any Justice of the Peace in the United Kingdom, or in the Isle of Man, to be dealt with as hereinafter directed: Provided always, That any such person proving to the satisfaction of any Justice or Justices before whom he may be brought, that he was only a passenger in such vessel or boat, and had no interest whatever either in the vessel or boat, or in the cargo, or any goods on board the same, shall be forthwith discharged by such Justice or Justices.

And be it Enacted, That every person whatsoever who shall unship, or be aiding, assisting or concerned in the unshipping of any spirits or tobacco liable to forfeiture, under this or any other Act relating to the Customs or Excise, either in the United Kingdom or in the Isle of Man, or who shall carry, convey or conceal, or be aiding, assisting or concerned in the carrying, conveying or concealing of any such spirits or tobacco, shall forfeit for such offence the sum of *One hundred Pounds*; and every such person may be detained by any officer or officers of Her Majesty's Army, Navy or Marines, being duly employed for the prevention of smuggling, and on full pay, or by any officer or officers of Customs or Excise, or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, and taken before any Justice of the Peace in the United

537.

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Kingdom,

Penalties.

50.
Persons unshipping,
or concerned in the
carrying away or
concealing spirits or
tobacco, to forfeit
100 £., and may be
detained.

Penalties.

Kingdom, or in the Isle of Man, to be dealt with as hereinafter directed.

51.

Persons carrying, &c., tea or manufactured silk, to forfeit Treble the value, and to be liable to detention.

And be it Enacted, That every person whatsoever who shall unship or be aiding, assisting or otherwise concerned in the unshipping of any tea or foreign manufactured silk of the value of Twenty Pounds liable to forfeiture under any Act relating to the Customs or Excise, or who shall carry, convey or conceal, or be aiding, assisting or concerned in the carrying, conveying or concealing of such tea or silk, shall forfeit, for every such offence, Treble the value thereof, and every such person shall and may be detained by any officer or officers of Her Majesty's Army, Navy or Marines, being duly employed for the prevention of smuggling and on full pay, or by any officer or officers of Customs or Excise, or by any other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, and taken before any Justice of the Peace in the United Kingdom or the Isle of Man, to be dealt with as hereinafter directed : Provided always, That it shall and may be lawful for such person so detained, to give security in Treble the amount of the goods seized by recognizance or otherwise to the satisfaction of such Justice of the Peace to appear at a time and place to be by him appointed.

52.

Persons found or discovered to have been on board Vessels found within a port of the United Kingdom or the Isle of Man with certain contraband articles on board, subject to a penalty of 100*l.*, and to detention.

And be it Enacted, That every person who shall be found or discovered to have been on board any vessel or boat liable to forfeiture under this or any Act or Acts relating to the Customs for being found or discovered to have been within any port, harbour, river or creek of the United Kingdom or of the Isle of Man, not being driven thereinto by stress of weather or other unavoidable accident, having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner such goods or things as subject such vessel or boat to forfeiture, or who shall be found or discovered to have been on board any of Her Majesty's ships or vessels, or on board any ship or vessel in Her Majesty's employment or service, or on board of any Foreign Post-office packet, being a national vessel, employed in carrying the mails between any foreign country and the United Kingdom, such last-mentioned ships, vessels or packets being found or discovered to have been within any port, harbour, river or creek of the United Kingdom or of the Isle of Man, not being driven therein by stress of weather or other unavoidable accident, having on board, or in any manner attached thereto, or having had on board, or in any manner attached thereto, or conveying or having conveyed in any manner any spirits not being in a cask or other vessel capable of containing liquids, of the size or content of Twenty Gallons at the least, or any tobacco or snuff not being in a cask or package containing Three hundred Pounds weight of such tobacco or snuff at least,

or

or being separated or divided in any manner within any cask or package, shall forfeit the sum of *One hundred Pounds*, and it shall be lawful for any officer or officers of the Army, Navy or Marines, being duly employed for the prevention of smuggling, and on full pay, or any officer or officers of Customs or Excise, or other persons acting in his or their aid or assistance, or duly employed for the prevention of smuggling, and he and they is and are hereby authorized, empowered and required to detain every such person, and to take such person before any Justice of the Peace in the United Kingdom, or in the Isle of Man, to be dealt with as hereinafter directed.

Penalties.

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Provided always, and be it Enacted and Declared, That no person shall be liable to any penalty for or to be detained on account of any such offence as is hereinbefore lastly mentioned, unless there shall be reasonable ground to believe that such person was the owner of such goods, or was concerned in bringing the same into such ports and other places as are hereinbefore mentioned, or in concealing the same, nor on account of any spirits, tobacco or snuff, being stores, or being in vessels or packages of a content or size permitted by law.

53.
Parties not liable to penalties or detention, unless concerned in bringing in the goods.

And be it Enacted, That where any persons or person being part of the crew of any ship or vessel in Her Majesty's employment or service, and liable to detention by any officer or officers of the Customs, shall have been detained under any law or laws relating to the Customs, such person or persons, upon notice thereof given by such officer or officers of Customs to the Captain or Commanding Officer of the ship or vessel shall be placed in security by such Captain or Commanding Officer on board such ship or vessel until the officer or officers of Customs shall have obtained a warrant from a Justice of the Peace for bringing the said offender or offenders before him or any Two or more Justices of the Peace to be dealt with according to law; which said warrant such Justice of the Peace is hereby authorized and required to grant, upon complaint made to him by such officer or officers of Customs, stating the offence for which such person or persons is or are liable to detention as aforesaid.

54.
Persons in Her Majesty's Naval Service detained under Revenue Laws to be secured on board until a Justice's warrant procured.

And be it Enacted, That all persons assembled, to the number of Three or more, for the purpose of unshipping, carrying, conveying or concealing any spirits or tobacco, or any tea or silk (such tea or silk being of the value of *Twenty Pounds* or more) liable to forfeiture under this Act, or any other Act or Acts relating to the Customs or Excise; and every person who shall by any means procure or hire, or shall depute or authorize any other to procure or hire any person or persons to assemble for the purpose of being concerned in the landing or unshipping, or carrying, conveying or concealing any

55.
Persons assembled to the number of Three or more, to run spirits, tea, tobacco or silk;

or procuring others to assemble to run goods;

537.

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goods

Penalties.

or obstructing
officers in the exe-
cution of their duty.

goods which are prohibited to be imported, or the Duties for which have not been paid or secured; and that every person who shall obstruct any officer or officers of the Army, Navy or Marines, being duly employed for the prevention of smuggling, and on full pay, or any officer or officers of Customs or Excise, or any person acting in his or their aid or assistance, or duly employed for the prevention of smuggling in the execution of his or their duty, or in the due seizing of any goods liable to forfeiture by this Act or any other Act or Acts relating to the Customs, or who shall rescue or cause to be rescued any goods which have been duly seized, or who shall attempt or endeavour to do, or who shall before, or at or after any seizure, stave, break or otherwise destroy any goods to prevent the seizure thereof or the securing the same, shall, upon being duly convicted of any of the said offences before any Two Justices of the Peace, be adjudged by such Justices for the first offence to be imprisoned in any House of Correction, and there kept to hard labour for any term not less than *Six* nor greater than *Nine* calendar Months, and for the second offence for any term not less than *Nine* nor greater than *Twelve* calendar Months; and for the third or any subsequent offence for *Twelve* calendar Months.

To be sent to house
of correction to hard
labour.

56.

Authorizing magis-
trates to proceed to
conviction of smug-
glers in certain cases
without an order
from the Board of
Customs.

And be it Enacted, That whenever any person shall have been detained and taken before any Justice of the Peace for being found or discovered to have been on board any vessel or boat within any port, harbour, river or creek of the United Kingdom, or of the Isle of Man, such vessel or boat having on board, or having had on board, spirits or tobacco in such casks or packages as would, under this or any other Act relating to Customs, subject the same to forfeiture, or for unshipping, or for aiding, assisting or being concerned in the unshipping of any spirits or tobacco liable to forfeiture under this or any other Act relating to the Customs or Excise, or for carrying, conveying or concealing, or for aiding, assisting or being concerned in the carrying conveying or concealing of any such spirits or tobacco, and it shall appear to such Justice that the quantity of spirits in respect of which such person has been so detained, does not exceed One Gallon, or that the quantity of tobacco in respect of which such person has been so detained, does not exceed Six pounds' weight, it shall and may be lawful for such Justice, and he is hereby authorized, to proceed summarily upon the case without any information, and although no direction shall have been given by the Commissioners of Her Majesty's Customs, and to convict such person of such offence, and to adjudge that such person shall, in lieu of any other penalty, forfeit any sum of money not exceeding *Five Pounds*, and, in default of payment of such sum of money, to commit such person to any of Her Majesty's gaols for any time not exceeding *One Month*.

AND

AND whereas it is expedient that time should be allowed to obtain the order of the Commissioners of Customs or Excise as hereinafter directed, and also to prepare informations, convictions and warrants of commitment; BE it Enacted, That when any person or persons shall have been detained by any officer or officers of the army, navy or marines, being duly employed for the prevention of smuggling, and on full pay, or by any officer of Customs or Excise, or any person or persons acting in his or their aid or assistance, or duly employed for the prevention of smuggling, for any offence against this or any other Act or Acts relating to the Customs, and shall have been taken before any Justice of the Peace, if it shall appear to such Justice that there is reasonable cause to detain such person or persons, such Justice may, and he is hereby authorized and required, to order such person or persons to be detained a reasonable time, and at the expiration of such time to be brought before any Two Justices of the Peace, who are hereby authorized and required finally to hear and determine the matter.

And be it Enacted, That if any person or persons liable to be detained under the provisions of this or any other Act relating to the Customs, shall not be detained at the time of so committing the offence for which he or they is or are so liable, or, after detention, shall make his or their escape, it shall and may be lawful for any officer or officers of the Army, Navy or Marines, being duly employed for the prevention of smuggling, and on full pay, or for any officer of Customs or Excise, or any other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, to detain such person so liable to detention as aforesaid at any time afterwards, and to take him before any Justice of the Peace to be dealt with as if detained at the time of committing the said offence.

And be it Enacted, That no person shall, after sunset, and before sunrise, between the Twenty-first day of September and the First day of April, or after the hour of Eight in the evening and before the hour Six in the morning, at any other time in the year, make, aid or assist in making any signal in or on board, or from any vessel or boat, or on or from any part of the coast or shore of the United Kingdom, or within Six Miles of any part of such coast or shore, for the purpose of giving any notice to any person on board any smuggling vessel or boat, whether any person so on board of such vessel or boat be or be not within distance to notice any such signal, and if any person, contrary to the true intent and meaning of this Act, make or cause to be made, or aid or assist in making, any such signal, such person so offending, shall be guilty of a Misdemeanor, and it shall be lawful for any person to stop, arrest and detain the person or persons who shall so offend, and to carry and convey such person or persons so

57.
Where persons are taken before a Justice for any offence under any Act relating to the Customs, such Justice may order them to be detained a reasonable time.

58.
Any person liable to be arrested making his escape, may afterwards be detained by any officer of the Customs.

59.
Persons making signals to smuggling vessels at sea may be detained, and on conviction, to forfeit 100 £., or be kept to hard labour for One Year.

Penalties.

offending before any One or more of Her Majesty's Justices of the Peace residing near the place where such offence shall be committed, who, if he sees cause, shall commit the offender to the next county gaol, there to remain until the next Court of Oyer and Terminer Great Session or gaol delivery, or until such person or persons shall be delivered by due course of law, and it shall not be necessary to prove on any indictment or information that any vessel or boat was actually on the coast, and the offender or offenders being duly convicted thereof, shall by order of the Court before whom such offender or offenders shall be convicted, either forfeit and pay the penalty or forfeiture of *One hundred Pounds*, or, at the discretion of such Court, be sentenced or committed to the common gaol or house of correction, there to be kept to hard labour for any term not exceeding *One Year*.

60.
Proof of a signal not being intended to lie on the defendant.

Provided always, and be it Enacted, That in case any person be charged with or indicted for having made, or caused to be made, or for aiding or assisting in making any such signal as aforesaid, the burthen of proof that such signal so charged as having been made with intent and for the purpose of giving such notice as aforesaid was not made with such intent and for such purpose, shall be upon the defendant against whom such charge is made, or such indictment is found.

61.
Any person may prevent signals, and enter upon lands for that purpose.

And be it Enacted, That it shall be lawful for any person whatsoever to prevent any signal being made as aforesaid, and to enter and go into and upon any lands for that purpose without being liable or subject to any indictment, suit or action for the same.

Felonies.

62.
Three or more armed persons assembled to assist in the illegal landing of any goods, or in the rescuing of goods seized, to be deemed guilty of felony.

And be it Enacted, That if any persons to the number of Three or more, armed with fire-arms, or other offensive weapons, shall, within the United Kingdom, or within the limits of any port, harbour or creek thereof, be assembled in order to be aiding and assisting in the illegal landing, running or carrying away of any prohibited goods, or any goods liable to any Duties which have not been paid or secured, or in rescuing or taking away any such goods as aforesaid after seizure from the officer of the Customs, or other officer authorized to seize the same, or from any person or persons employed by them, or assisting them, or from the place where the same shall have been lodged by them, or in rescuing any person who shall have been apprehended for any of the offences made Felony by this or any Act relating to the Customs, or in the preventing the apprehension of any person who shall have been guilty of such offence, or in case any persons to the number of Three or more so armed as aforesaid, shall within the United Kingdom, or within the limits of any port, harbour or creek thereof, be so aiding or assisting, every person so offending, and every person aiding, abetting or assisting therein shall, being thereof

thereof convicted, be adjudged guilty of Felony, and shall be liable, at the discretion of the Court before which he shall be convicted, to be transported beyond the seas for the term of the *natural life* of such person, or for any term not less than *Fifteen Years*, or to be imprisoned for any term not exceeding *Three Years*.

Felonies.

And be it Enacted, That if any person shall maliciously shoot at any vessel or boat belonging to Her Majesty's Navy, or in the service of the Revenue, within One hundred Leagues of any part of the coast of the United Kingdom, or shall maliciously shoot at, maim or dangerously wound any officer of the Army, Navy or Marines, being duly employed for the prevention of smuggling, and on full pay, or any officer of Customs or Excise, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, in the due execution of his office or duty, every person so offending, and every person aiding, abetting or assisting therein, shall, being lawfully convicted, be adjudged guilty of Felony, and shall be liable, at the discretion of the Court before which he shall be convicted, to be transported beyond the seas for the term of the *natural life* of such person, or for any term not less than *Fifteen Years*, or to be imprisoned for any term not exceeding *Three Years*.

63.
Persons shooting at any boat belonging to the Navy, or in the service of the Revenue, deemed guilty of Felony.

And be it Enacted, That if any person being in company with more than Four other persons be found with any goods liable to forfeiture, under this or any other Act relating to the Customs or Excise, or in company with One other person within *Five Miles* of the sea-coast, or of any navigable river leading therefrom with such goods, and carrying offensive arms or weapons, or disguised in any way, every such person shall be adjudged guilty of Felony, and shall on conviction of such offence be transported as a Felon for the term of *Seven Years*.

64.
Any person in company with more than four others, having goods liable to forfeiture, or with one other armed or disguised, guilty of Felony.

And be it Enacted, That if any person shall by force or violence assault, resist, oppose, molest, hinder or obstruct any officer of the Army, Navy or Marines being duly employed for the prevention of smuggling, and on full pay, or any officer of Customs or Excise or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, in the due execution of his or their office or duty, such person, being thereof convicted, shall be transported for *Seven Years*, or sentenced to be imprisoned in any house of correction or common gaol, and kept to hard labour for any term not exceeding *Three Years*, at the discretion of the court before whom the offender shall be tried and convicted as aforesaid.

Officers.

And be it Enacted, That it shall and may be lawful to and for the commanding officer for the time being of any vessel or boat employed for the prevention of smuggling to haul any such vessel or boat upon any part of the coasts of the United Kingdom, or the shores, banks or beaches

65.
Persons assaulting officers by force or violence may be transported.

66.
Commanding officers of vessels in the service may haul their vessels on shore without being liable to any action for so doing.

Officers.

beaches of any river, creek or inlet of the same (not being a garden or pleasure-ground, or place ordinarily used for any bathing machine or machines), which shall be deemed most convenient for that purpose, and to moor any such vessel or boat on such part of the aforesaid coasts, shores, banks and beaches below high water-mark, and over which the tide flows on ordinary occasions, and to continue such vessel or boat so moored as aforesaid for such time as the said commanding officer shall deem necessary and proper, and such commanding officer or person or persons acting under his direction shall not be liable to any indictment, action or suit for so doing, any law, statute, custom or usage to the contrary notwithstanding.

67.
Officers of the Army, &c., may patrol the coasts of the United Kingdom without being liable to action.

And be it Enacted, That it shall be lawful to and for any officer of the Army, Navy or Marines being duly employed for the prevention of smuggling, and on full pay, or for any officer of Customs or Excise, or any person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, when on duty to patrol upon and pass freely along and over any part of the coasts of the United Kingdom, or the shores or banks of any river, creek or inlet of the same (not being a garden or pleasure ground), and any such officer or person so patrolling shall not be liable to any indictment, action or suit for so doing, any law, statute, custom or usage to the contrary notwithstanding.

68.
Officers if wounded in the service of the Customs to be provided for, &c.

And be it Enacted, That in all cases when any officer or seaman employed in the service of the Customs or Excise shall be killed, maimed, wounded, or in any way injured in the due execution of his office, or if any person acting in his aid, or duly employed for the prevention of smuggling, shall be so killed, maimed, wounded or in any way injured, while so aiding such officer or seaman, or so employed, it shall and may be lawful for the Commissioners of Her Majesty's Customs and Excise respectively to make such provision for the officer or person so maimed, wounded or injured as aforesaid, or for the widows and families of such as shall be killed, as they shall be authorized and empowered to do, by warrant from the Commissioners of Her Majesty's Treasury for the time being.

69.
Vessels and goods seized may be disposed of as the Commissioners of the Customs shall direct.

And be it Enacted, That all vessels and boats, and all goods whatsoever which shall have been seized and condemned for breach of any law relating to the Customs, shall be disposed of as soon as conveniently may be, after the condemnation thereof, in such manner as the Commissioners of Her Majesty's Customs shall direct.

70.
Rewards to officers for detaining smugglers.

And be it Enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized and

and empowered to award to any officer or other person detaining any person liable to detention under this or any other Act relating to the Customs, to be paid upon the conviction of such person, any reward they may think fit to direct, not exceeding the sum of *Twenty Pounds* for each person.

Officers.
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Rewards.
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And be it Enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized to order the following reward to be paid to any officer or officers, or persons as aforesaid, by whose means any pecuniary penalty or composition is recovered ; (that is to say) One-third part of the penalty or sum recovered, except in seizures of silk goods, in which case the officers or other persons may receive one-half the penalty or sum recovered.

71.

Rewards to officers where pecuniary penalties are recovered.

And be it Enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, to order to be paid in respect of any seizure made under this or any Act relating to the Customs or to trade and navigation to the person or persons making the same, the following rewards ; (that is to say)

72.

Rewards to officers making seizures.

In the case of seizures of spirits or tobacco—

If all the parties concerned in the act which occasions the seizure, being above the age of Sixteen Years, are detained and convicted, the *whole value* thereof, such value to be fixed and settled by the Lords of the Treasury, or by the Commissioners of Her Majesty's Customs, as hereinafter directed.

If two or more of such parties, not being the whole, are so detained and convicted, *Seven-eighths* of such value :

If one such party, not being the whole of them, is so detained and convicted, *Five-eighths* of such value :

If one such party, not being the whole of them, is detained and convicted, and the vessel or means of conveyance is or are seized and condemned, *Three-fourths* of such value :

If the vessel or means of conveyance is seized and condemned without any person being detained, *One-third* of such value :

If all the goods are seized, and all the parties concerned as aforesaid, are subsequently convicted in consequence of such seizure, and by the exertion of the seizers, *One-half* of such value :

If the goods only are seized, *One-eighth* or such other part as the Commissioners of the Customs shall think proper, not exceeding *One-fourth* of such value :

Rewards.

In the case of seizures of other goods not silks—

If the vessel or other means of conveyance is or are seized and condemned, or if any person is prosecuted to conviction on account of the same, *One-half* of the produce, exclusive of the Duties :

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If the goods only, *One-fourth* of such produce :

In the case of damaged tobacco, snuff or other goods destroyed, such reward as the Lords of the Treasury or the Commissioners of Her Majesty's Customs may think proper to direct, not exceeding a Moiety of the Duty payable on such goods in case the same had been sold for home consumption :

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In the case of seizures of silk goods, the whole value of such goods, exclusive of the Duty thereon .

In the case of seizures of vessels and boats—

If sold, a Moiety of the produce :

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If taken into the public service, or broken up, a Moiety of the value.

In the case of seizures of cattle and carriages—

In all cases *Three-fourths* of the produce of the sale.

73.

The Treasury or Commissioners of Customs to fix the value of spirits and tobacco.

Provided always, and be it Enacted, That the value of spirits and tobacco seized as aforesaid, shall in all cases be deemed and taken to be such as the Lords of the Treasury or the Commissioners of Her Majesty's Customs, may think fit to fix the same at per gallon or per pound weight, for the purpose of rewarding the said officer as aforesaid ; and that all the before-mentioned rewards shall be paid, subject to a deduction of *Ten Pounds* per centum on account of law charges and other expenses.

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Rewards to be subject to deduction.

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74.

All rewards and seizures payable to officers of Army, Navy or Marines, to be regulated by Her Majesty's Orders in Council.

And be it Enacted, That every such reward, or part or share of any such seizure, or of the value thereof, as shall be payable to any officer or officers, non-commissioned officers, petty officers, seamen or privates of Her Majesty's Army, Navy or Marines, or acting under the orders of the Lord High Admiral or Commissioners of the Admiralty, shall be divided and distributed in such proportions and according to such rules, regulations and orders as Her Majesty shall, by her Order or Orders in Council, or by Her royal proclamation, in that behalf be pleased to direct and appoint.

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75.

Commissioners may distribute officers' shares of seizure in certain cases, so as to reward persons not actually present,

And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs or Excise respectively, and they are hereby authorized, in case of any seizure of vessels, boats or goods, or of the apprehension of any parties under this or any other Act relating

to

to the Customs, to direct the distribution of the seizor's share of such vessels, boats or goods, or of any penalties or rewards that may be recovered on account of any seizure, in such manner as to enable any officer or officers, or other person or persons through whose information or means such seizure shall have been made or penalty recovered or party apprehended, and who may by them be deemed to be so entitled to participate in such proportions as the said Commissioners shall respectively deem expedient.

Rewards.

And be it Enacted, That upon proof being made to the satisfaction of the Commissioners of Her Majesty's Customs or Excise, that any officer or officers, or person or persons as aforesaid shall have acted collusively or negligently in the making of any seizure or in the apprehension of any party, it shall be lawful for the said Commissioners to direct that the whole or any part of the proportion of such seizure be applied to the use of Her Majesty.

76.
In case officers act negligently or collusively, the seizure to be applied to Her Majesty's use.

And be it Enacted, That no person or persons whatsoever being a subject or subjects of Her Majesty, other than an officer or officers of the Navy, Customs or Excise, or some person or persons authorized in that behalf, shall intermeddle with or take up any spirits being in casks of less content than Twenty Gallons, which may be found floating upon or sunk in the sea within One hundred Leagues of the United Kingdom, and that if any spirits shall be so intermeddled with or taken up, the same shall be forfeited, together with any vessel or boat in which they are found.

77.
No subject of Her Majesty, except officers, to take up spirits in small casks sunk or floating upon the sea.

Provided always, and be it Enacted, That if any person or persons shall discover any spirits being in casks of less content than Twenty Gallons, which may be found floating upon or sunk in the sea, and shall give information to any officer of the Customs or other person or persons duly authorized to make seizure of such spirits, so that seizure shall be made of the same, the person or persons giving such information shall be entitled to and shall receive such reward as the Commissioners of Her Majesty's Customs may deem it expedient to direct.

78.
Rewards to persons giving information of goods floating upon or sunk in the sea.

And be it Enacted, That, for the necessary subsistence of any poor person confined in any prison in the United Kingdom, or in the Isle of Man, under or by virtue of any Exchequer or other process for the recovery of any duties or penalties, either upon bond or otherwise under this or any other Act relating to the Customs or Excise, sued for under or by virtue of any order of the Commissioners of Her Majesty's Customs or Excise, it shall and may be lawful to and for the said Commissioners respectively to cause an allowance not

79.
Allowance to poor persons confined for offences against laws of Customs or Excise.

Rewards.

exceeding the sum of *Seven-pence Halfpenny*, and not less than *Four-pence-Halfpenny* per day, to be made to any such poor person out of any money in their hands arising from the Duties of Customs or Excise, as the case may require.

80.
Actual expenses incurred by the commitment of smugglers to hard labour to be paid out of Consolidated Customs.

And be it Enacted, That the actual expenses incurred by any county, city, borough, liberty, division, franchise or town corporate, in consequence of the commitment of any person to hard labour, under this or any Act or Acts relating to the Customs, shall be repaid out of the Consolidated Customs by warrant of the Lords Commissioners of Her Majesty's Treasury, or any Two or more of them, in such manner and to such amount as they shall think fit to direct. 5 10

Jurisdiction.

81.
Penalties and forfeitures how to be sued for.

And be it Enacted, That all penalties and forfeitures incurred or imposed by this or any Act relating to the Customs or to trade or navigation shall and may be sued for, prosecuted and recovered by action of debt, bill, plaint or information in any of Her Majesty's Courts of Record at Westminster, or at Dublin, or at Edinburgh, or in the Royal Courts of the Islands of Guernsey, Jersey, Alderney, Sark or Man, in the name of Her Majesty's Attorney-General, or of the Lord Advocate of Scotland, or in the name or names of some officer or officers of Her Majesty's Customs, or by information before any Two or more of Her Majesty's Justices of the Peace in the United Kingdom or the Isle of Man, or before any Governor, Deputy-Governor or Deemster in the Isle of Man. 15 20

82.
Justices may summon offender, and the summons may be left at his last place of residence, or on board any ship to which he belongs.

And be it Enacted, That upon the exhibiting any information before any Justice of the Peace for any offence against this or any Act relating to the Customs, or to trade or navigation, for which offence the party charged is not liable to be detained in manner herein-before mentioned, such Justice is hereby required to issue a summons for the appearance of the party against whom such information is exhibited before Two Justices of the Peace, and such summons directed to such party being left either at his or her last-known place of residence, or on board any ship or vessel to which such party may belong, or may have lately belonged, shall be deemed to have been sufficiently served. 25 30

83.
Two Justices may upon the appearance or default of the party proceed to the hearing and conviction.

And be it Enacted, That upon the appearance of any party so summoned, or in case of his or her default, then upon proof to the satisfaction of the Justices that the party was duly summoned in manner aforesaid, it shall be lawful for any Two Justices of the Peace to proceed to the examination of the matter contained in such information; and upon due proof thereof, either upon the confession of the party, or 35

or upon the oath of One or more credible Witness or Witnesses, to convict such party of the offence charged in such information; and in case of the non-payment of any penalty or penalties which such party may have incurred for such offence, such Justices, or one of them, or
 5 any other Justice or Justices of the Peace are hereby authorized, by warrant under hand and seal, to commit such party to any of Her Majesty's gaols within their or his jurisdiction, there to remain until the penalty or penalties shall be paid; and such Justice or Justices are hereby also authorized and required, when such party is convicted
 10 of any offence for which the punishment of hard labour is inflicted, to commit such party by such warrant to the next house of correction, there to be kept to hard labour for such time as he or they shall be authorized to do by this or any Act or Acts relating to the Customs.

Power to commit.

15 And be it Enacted, That such warrants shall and may be executed in any part of the United Kingdom.

84.
Warrants.

And be it Enacted, That where any party shall or may be convicted before any Two or more of Her Majesty's Justices of the Peace as aforesaid, in any penalty or penalties incurred as aforesaid, except as
 20 is hereinafter provided, it shall and may be lawful for the said Justices, in cases where, upon consideration of the circumstances, they shall deem it expedient so to do, and for a first offence only, to mitigate the payment of the said penalty or penalties, so as the sum to be paid by such party be not less than *one-fourth* of the amount of the penalty in which
 25 such party shall have been convicted.

85.
Justices empowered to mitigate penalty in certain cases.

And be it Enacted, That where any person shall have been so committed by any Justices or Justice of the Peace to any prison, for non-payment of any penalty less than One hundred Pounds, the Gaoler or Keeper of such prison is hereby authorized and required to discharge
 30 such person at the end of *Six* calendar Months from the commencement of such imprisonment.

86.
As to persons committed for penalties under 100 £.

And be it Enacted, That it shall and may be lawful for any Two or more Justices of the Peace before whom any person liable to be detained, and who shall have been detained for any offence against
 35 this or any Act relating to the Customs, shall be brought, either on the confession of such person of such offence, or on proof thereof, upon the oath or oaths of One or more credible witness or witnesses to convict such person of any such offence, and every such person so convicted as aforesaid shall immediately upon such conviction pay into the hands of such Justices for the use of Her Majesty, the penalty of *One hundred Pounds*, without any mitigation whatever for any such
 537. offence,

87.
Persons detained for the offences herein mentioned may be convicted by Justices, and committed for non-payment of penalty, or to hard labour.

Jurisdiction.

offence, of which he shall be so convicted as aforesaid, or in default thereof the said Justices shall and they are hereby respectively authorized, by warrant under their hands and seals, to commit such person so convicted as aforesaid, and making such default as aforesaid, to any gaol or prison, there to remain until such penalty shall be paid ; 5
and such Justices are hereby also authorized and required, when any such person is convicted of any offence for which the punishment of hard labour is inflicted, to commit such person to the next house of correction, there to be kept to hard labour for such time as they shall be authorized to do by this or any other Act or Acts relating to the 10
Customs.

88.

Justices may order imprisonment in default of payment of penalty, with hard labour.

And be it Enacted, That where any person shall have been convicted before any Two Justices of the Peace, of any offence for which any penalty shall have been inflicted by this or any other Act or Acts relating to the Customs, it shall and may be lawful for the said Justices, 15
if they shall think fit, to order and adjudge that such person shall, in default of paying such penalty, be imprisoned for the first of such offences in any of Her Majesty's gaols within their jurisdiction, for a period of not less than *Six*, nor more than *Nine* calendar Months, and if such party shall have been before convicted of any offence against 20
this or any other Act or Acts relating to the Customs, it shall and may be lawful for the said Justices, if they shall think fit, to order and adjudge that such person be imprisoned in any house of correction, and there kept to hard labour for any period not less than *Six*, nor more than *Twelve* calendar Months. 25

89.

Justices of limited jurisdiction not having houses of correction to commit to the one nearest to them.

And be it Enacted, That when any person shall have been duly convicted of any offence against this or any Act or Acts relating to the Customs, for which such person is liable to be sentenced to hard labour, and such conviction shall take place before any Two Justices of the Peace within whose jurisdiction there is no house of correction, 30
it shall and may be lawful for such Justices, and they are hereby authorized and required, by warrant under their hands and seals, to commit such offenders to any of Her Majesty's gaols within their jurisdiction, wherein the sentence of hard labour is or can be executed, or to the house of correction nearest to the place where such offender 35
is convicted for such time as is herein set forth for a first, second and third offence respectively ; and the Governor or Keeper of such gaol or house of correction is hereby required to receive such offender, and to obey such warrant in all respects as if such gaol or house of correction was within the jurisdiction of such Justices. 40

90.

Justices may commute the sentence of hard labour to

And be it Enacted, That where any person shall have been convicted of any offence against this or any Act or Acts relating to the Customs

Jurisdiction.

Customs, for which such persons would be liable to be committed to hard labour, it shall and may be lawful for the Justices before whom such person is so convicted, provided such person is a female, or provided it appears to such Justices that such person is from age or sickness incapable of hard labour, to order and adjudge that such person shall, in lieu of being committed to hard labour, be imprisoned in any of Her Majesty's gaols within their jurisdiction for the length of time to which such person would have been liable to be kept to hard labour: Provided always, That in all such cases the cause of mitigation shall be stated in the warrant of commitment.

imprisonment only where the offender is a female, or is incapable of hard labour from age or sickness.

And be it Enacted, That when any person shall have been convicted before any Two Justices of the Peace of any offence against this or any Act relating to the Customs for which such person is liable to be committed to hard labour, and it shall at any time during such imprisonment be made appear to the said or any other Two Justices in the presence of such person, that such person had been before convicted of any such offence, it shall be lawful for such Justices, and they are hereby required, to commit such offender to some House of Correction, to be kept to hard labour for any period not less than *Nine* nor greater than *Twelve* calendar Months in the whole, from the date of the first commitment, and to amend the warrant of commitment accordingly: Provided always, That any gaoler in whose custody such person shall be, shall, upon a written order signed by any Justice of the Peace, produce such person before such last-mentioned Justices for the purpose last aforesaid.

91.

Period of confinement may after commitment be extended with hard labour in case of discovery of a prior conviction for a similar offence.

And be it Enacted, That it shall not be necessary in such amended warrant of commitment to state or refer to the former conviction.

92.

Amended warrant.

And be it Enacted and Declared, That where any person being a married woman shall be convicted before Two Justices of the Peace of any offence against this or any other Act relating to the Customs, such person shall, in default of paying any penalty which she may have incurred, be liable to be committed to prison.

93.

Married women may be committed to prison.

And be it Enacted, That in case any offence shall be committed upon the high seas against this or any other Act relating to the Customs, or any penalty or forfeiture shall be incurred upon the high seas for any breach of such Act, such offence shall, for the purpose of prosecution, be deemed and taken to have been committed and such penalties and forfeitures to have been incurred at the place on land in the United Kingdom or the Isle of Man into which the person committing such offence or incurring such penalty or forfeiture shall be taken, brought or carried, or in which such person shall be found, and in case such place on land is situated within

94.

Offences on the high seas deemed to have been committed at the place into which the offender is brought, or in which he is found.

Jurisdiction.

any city, borough, liberty, division, franchise or town corporate, as well any Justice or Justices of the Peace for such city, borough, liberty, division, franchise or town corporate, as any Justice of the Peace of the county within which such city, borough, liberty, division, franchise or town corporate is situated, shall have jurisdiction to hear and determine all cases of offences against such Act so committed upon the high seas, any Charter or Act of Parliament to the contrary notwithstanding: Provided always, That where any offence shall be committed in any place upon the water not being within any county of the United Kingdom, or where any doubt exists as to the same being within any county, such offence shall for the purposes of this Act be deemed and taken to be an offence committed upon the high seas.

95.
As to jurisdiction in boroughs, &c.

And be it Enacted, That where any offence against this or any Act relating to the Customs shall be committed in any city, borough, liberty, division, franchise or town corporate, as well any Justice or Justices of the said city, borough, liberty, division, franchise or town corporate as any Justices of any county within which such city, borough, liberty, division, franchise or town corporate is situated, shall have jurisdiction to hear and determine the same.

96.
A magistrate of an adjoining county with one of the county where offence committed may hear informations

And be it Enacted, That when the attendance of Two Magistrates having jurisdiction in the county where the offence is committed, cannot be conveniently obtained, it shall be lawful for a Magistrate of any adjoining county with One Magistrate of the county in which the offence was committed, or deemed to have been committed, to hear and determine any information exhibited before them, and to have the same powers and authorities in all respects as to any proceeding had under this or any other Act relating to the Custom as if they were both Magistrates for the county in which the offence was committed.

97.
Mode of proceeding before Justices for the condemnation of seized goods.

And be it Enacted, That when any information shall have been exhibited before any Justice of the Peace for the forfeiture of any goods whatsoever seized under this or any Act relating to the Customs, it shall be lawful for the said Justice, and he is hereby authorized and required, to summon the party to whom such goods belonged or from whom they were seized, to appear before any Two Justices of the Peace, and such summons directed to such party being left either at his or her last known place of residence, or on board any ship to which such party may belong, shall be deemed to have been sufficiently served, and upon his, her or their appearance or default, any Two Justices may proceed to the examination of the matter, and upon due proof that the said goods are liable to forfeiture, under this or any Act relating to the Customs, may condemn the said goods.

And

And be it Enacted, That all vessels, boats and goods which shall have been or shall be hereafter seized as forfeited under any law relating to the Customs, and which shall have been or shall hereafter be ordered to be prosecuted by the Commissioners of Her Majesty's
 5 Customs, shall be deemed and taken to be condemned, and may be sold in the manner directed by law in respect to vessels, boats and goods seized and condemned for breach of any law relating to the Customs, unless the person from whom such vessels, boats and goods shall have been seized, or the owner of them, or some person autho-
 10 rized by him, shall, within *One calendar Month* from the day of seizing the same, give notice in writing, if in London, to the person seizing the same, or to the Secretary or Solicitor, for the Customs, and if elsewhere to the person seizing the same, or to the Collector and Comptroller or other chief officer of the Customs at the nearest port,
 15 that he claims the vessel, boat or goods, or intends to claim them.

98.
 All Vessels, Boats and Goods seized under any laws of Customs, and orders to be prosecuted, shall be deemed to be condemned, unless the owner gives notice that he intends to claim.

And be it Enacted, That all the powers vested in any Justices or Justice of the Peace by virtue of this Act shall be and the same are hereby vested in and may be exercised in the Isle of Man by any Governor, Deputy Governor or Deemster of the said island, or by
 20 any Two Justices of the Peace in and for the said Island, so far as regards offences committed against, or penalties or forfeitures incurred under this or any Act or Acts relating to the Customs.

99.
 Powers of Justices to be exercised by Governor or Deemsters or Justices of the Isle of Man.

And be it Enacted, That no writ of certiorari shall issue to remove any proceedings before any Justice or Justices of the
 25 Peace under this or any Act relating to the Customs, nor shall any writ of habeas corpus issue to bring up the body of any person who shall have been convicted before any Justice or Justices of the Peace under any such Act, unless the party against whom such proceeding shall have been directed, or who shall have been so con-
 30 victed, or his attorney or agent, shall state, in an affidavit in writing, to be duly sworn, the grounds of objection to such proceedings or conviction, and that upon the return to such writ of certiorari or habeas corpus, no objection shall be taken or considered, other than such as shall have been stated in such affidavit, and that it shall be lawful for any Justice
 35 or Justices of the Peace, and they are hereby required to amend any information, conviction or warrant of commitment for any offence under any such Act, at any time, whether before or after conviction.

100.
 Writs of certiorari and writs of habeas corpus not to be issued except on an affidavit; any Justice may amend informations, warrants of commitment and convictions.

And be it Enacted, that no such writ shall issue without notice in writing of the issuing thereof to the Solicitor for the Customs, and
 40 that no return to any such writ shall be considered by any of Her Majesty's Courts at Westminster, Dublin or Edinburgh, or by any of Her Majesty's Judges of any of the said Courts, unless there shall

101.
 Writ of habeas corpus not to issue without notice to the Solicitor for the Customs.

Jurisdiction.

be produced to such Court or Judge an affidavit in writing, duly sworn, stating that notice of the issuing of such writ was given to the Solicitor for the Customs, or left at his office *Four* clear Days before the return of such writ, and that with respect to all such writs, there shall be an interval of *Four* clear Days, at least, between the day on which they issue and the day on which they are returnable, and any such writ issuing without such notice, and not being in conformity to the directions herein contained, shall be void to all intents and purposes whatsoever. 5

102.
Informations to be
in the words of the
Act.

And be it Enacted, That every information preferred to enforce any punishment, penalty or forfeiture for any offence committed against this or any Act or Acts relating to the Customs, and every conviction or warrant of commitment for any such offence, shall be deemed valid and sufficient, in which the offence for which such punishment or penalty shall have been inflicted, or the cause of such forfeiture, is set forth in the words of the Act or Acts by which such punishment or penalty has been inflicted, or under which such forfeiture has been incurred; and that no warrant of commitment for any such offence shall be held void by reason of any defect in such warrant, nor shall any party be entitled to be discharged out of custody on account of any such defect, provided it be alleged in such warrant that the said party has been convicted of such an offence, and provided it shall appear to the Court or Judge before whom such warrant is returned, that such conviction proceeded upon good and valid grounds. 10 15 20 25

Parties not to be
discharged upon de-
fects in warrants of
commitment, pro-
vided the conviction
took place upon
good grounds.

103.
Several persons con-
cerned in the same
offence may be sued
by one information.

And be it Enacted, That when, by any Act relating to the Customs, a penalty is imposed upon every person committing or concerned in the Act by which such penalty is incurred, and such offence shall have been committed by several persons jointly, or several persons shall have been concerned in the same, such several persons shall jointly and severally incur every such penalty; and it shall be lawful to proceed against such persons to recover such penalties jointly by one information or severally by separate informations, as the Attorney-general or the Commissioners of Her Majesty's Customs respectively may deem expedient. 30 35

104.
Persons having been
before convicted of
an offence against
the Customs, may,
upon a verdict pass-
ing against them, be
sentenced to hard
labour.

And be it Enacted, That when any verdict shall pass against any person in any of Her Majesty's Courts of Record for any offence for which any pecuniary penalty shall have been inflicted by this or any Act relating to the Customs, and such person shall have before been duly convicted, either by verdict in any of Her Majesty's Courts of Record, or otherwise, of any such offence, it shall and may be lawful for the Judge or Judges of the said court in which such person shall be so convicted to order and 40

and adjudge that such person shall, in lieu of any penalty, be imprisoned in any house of correction for any period not less than *Six* nor more than *Twelve* calendar Months; and the governor or keeper of any house of correction is hereby required to receive any
 5 person committed under any such order or judgment.

And be it Enacted, That when any Writ of Capias shall hereafter issue against any person for any such offence as is hereinbefore lastly mentioned, and such person shall before have been convicted of any such offence, such writ shall issue and such person shall be held to
 10 bail for the full amount of the penalty sought to be recovered against him.

105.
Persons previously convicted may be held to bail for full amount of penalty.

And be it Enacted, That all informations exhibited before any Justice or Justices of the Peace for any offence committed against this or any other Act relating to the Customs, and all convictions for
 15 such offences, and all warrants of any Justice or Justices of the Peace founded upon such convictions, shall be drawn respectively in the form or to the effect in the Schedule to this Act annexed.

106.
Informations, convictions and warrants of commitment to be in the form or to the effect in the Schedule.

And be it Enacted, That all penalties and forfeitures which may be recovered before any Justice or Justices of the Peace under this or any
 20 other Act relating to the Customs or Excise on any prosecution by order of the Commissioners of Customs shall be paid to the Commissioners of Her Majesty's Customs; and on any prosecution by order of the Commissioners of Excise shall be paid to the Commissioners of Her Majesty's Excise, or to the person appointed by them respectively to receive the same; and such penalties and forfeitures
 25 shall be applied by the said Commissioners respectively in such manner as the law directs; any thing contained in any Act now in force or hereafter to be made to the contrary in anywise notwithstanding.

107.
Penalties and forfeitures to be paid to Commissioners of Customs or Excise, and applied as the law directs.

And be it Enacted, That whenever any penalty shall be sued for as
 30 aforesaid, by information against any person in any of Her Majesty's Courts of Record at Westminster or at Dublin, or at Edinburgh, a capias may thereupon issue as the first process, specifying the amount of the penalty sued for, and such person against whom such capias shall issue, shall be obliged to give sufficient bail or
 35 security, by natural-born subjects or denizens, to the person or persons to whom such capias shall be directed to appear in the Court, out of which such capias shall issue at the day of the return of such writ, to answer such suit and prosecution, and shall likewise at the time of such appearing, give sufficient bail or security by such persons as
 40 aforesaid in the said Court, to answer and pay all the forfeitures and penalties incurred for such offence or offences in case he, she or they shall be convicted thereof, or to yield his, her or their body or bodies to prison.

108.
Capias may issue against persons sued under this Act who are to give bail.

109.

Persons in gaol not appearing or pleading to the information, judgment may be entered by default.

And be it Enacted, That if any person against whom a capias shall issue out of any of Her Majesty's Courts of Record as aforesaid, shall be arrested upon such capias, and taken to prison for want of sufficient bail, a copy of the information exhibited against such person shall be served upon him or her in gaol, or delivered to the gaoler, keeper or turnkey of the prison in which such person shall be confined, and if such person shall neglect or refuse to appear or plead to the said information for the space of *Twenty Days*, judgment shall be entered by default; and in case judgment shall be obtained against any such person or persons by default, verdict or otherwise, and such persons or person shall not pay the sum recovered against him, her or them for his, her or their offence, execution shall be thereupon awarded and issued, not only against the body or bodies of the person or persons so in prison as aforesaid, but against all the real and personal estates of such person or persons for such sum or sums of money so as aforesaid recovered against him, her or them.

110.

Persons not worth 5*l.* may defend suits in formâ pauperis.

And be it Enacted, That in case any person arrested and imprisoned by virtue of any writ of capias as aforesaid, shall make affidavit before the Judge or Judges of the Court where the information shall be brought, or before any other person commissioned to take affidavits in such Court, that he or she is not worth, over and above his or her wearing apparel, the sum of Five Pounds, (which said affidavit the said Judge or Judges of such Court and such person so commissioned is and are hereby authorized and required so to take), and such person shall thereupon petition such Court to defend himself or herself against such information in formâ pauperis, the Judge or Judges of such Court shall, according to their discretion, admit such person to defend himself or herself against such information in the same manner and with the same privileges as the Judges of such Court are by law directed and authorized to admit poor subjects to commence actions for the recovery of their rights, and for that end and purpose, it shall be lawful for any Judge or Judges of such Court to assign counsel learned in the law, and to appoint an attorney and clerk of such Court to advise and carry on any legal defence, that such person can make against such action or information, and which said counsel, attorney and clerk so assigned and appointed is and are hereby required to give his and their advice and assistance to such person, and to do their duties without fee or reward.

111.

Sheriff to grant special warrant on writ of capias being indorsed by the solicitor for the Customs.

And be it Enacted, That where any writ of capias or other process shall issue out of any Court directed to any sheriff, mayor, bailiff or other person having the execution of process in any county, city, borough or liberty against any person who shall be charged with any offence against this or any Act relating to the Customs, every such Sheriff, Mayor or Bailiff, and other person having execution of process

cess as aforesaid, and their and every of their Under-sheriffs, Deputies and other persons acting for them in the said office and offices respectively, shall and are hereby required and enjoined upon the request or application of the Solicitor for the Customs, or any person acting in his behalf (such request to be in writing, and indorsed upon the back of the said process, and signed by such solicitor, with his name and addition of Solicitor for the Customs, or, by such other person, stating his authority) to grant a special warrant or warrants to such person or persons as shall be named to them by such Solicitor or other person for the apprehending such offender or offenders, or in default thereof, every such Sheriff, Mayor, Bailiff, Under-sheriff and other person acting in the said office or offices respectively, shall be subject and liable to such process of contempt, fines, amerciaments, penalties and as they or any of them are now by any law, custom or usage, liable to in case of refusing or neglecting to execute the like process where the defendant might have been taken thereupon in the common and usual method of proceeding.

And be it Enacted, That all and every such Sheriff, Mayor, Bailiff, Under-sheriff and other persons so granting or making out such special warrant as aforesaid, shall be and they are hereby saved harmless and indemnified against Her Majesty, Her heirs and successors, and against all and every other person or persons whomsoever of and from all escapes of any person or persons who shall or may be taken by virtue of any such warrant as aforesaid which shall or may happen from the time of taking such offender or offenders till he, she or they shall be committed to the proper gaol or prison, or be offered and tendered to the gaol-keeper or other person having charge of such gaol or prison (who is hereby enjoined and required to receive every such person or persons so apprehended as aforesaid, and give a receipt for his, her or their body or bodies) and of and from all actions, prosecutions, process of contempt, and other proceedings, for or by reason of such escape, any law, custom or usage to the contrary notwithstanding.

112.
Sheriff indemnified from escapes in cases where warrants are granted at the request of Solicitor for the Customs, or any person acting in his behalf, and gaolers required to receive offenders.

And be it Enacted, That no claims shall be permitted to be entered to and no appearance shall be permitted to be entered to any information filed for the forfeiture of any vessel, boat or goods seized for any cause of forfeiture and returned into any of Her Majesty's Courts of Record in the United Kingdom or the Isle of Man, unless such claim or appearance is entered in the true and real name or names of the owner or owners, proprietor or proprietors of such vessel, boat or goods, describing the place of residence and the business or profession of such person or persons, and if such person or persons shall reside at London, Edinburgh or Dublin, or within the liberties thereof, oath shall be made by him, her or them, before One of the Judges of the

113.
No claim or appearance to be entered to any information for the forfeiture of seized goods, unless in the name of the owners, and oath made to the property.

Jurisdiction.

Court into which the said vessel, boat or goods are returned, or in which such information is filed, that the said vessel, boat or goods was or were really and truly the property of him, her or them at the time of such seizure; but if such person or persons shall not be resident in London, Edinburgh or Dublin, or the liberties thereof, then and in such case oath shall be made in like manner by the agent, attorney or solicitor by whom such claim or appearance shall be entered, that he has full power and legal authority and directions from such owners or proprietors to enter such claim or appearance, and that, to the best of his knowledge and belief, such vessel, boat or goods were, at the time of the seizure thereof, bona fide and truly the real property of the person or persons in whose name or names such claim or appearance is entered, and on failure thereof the vessel, boat or goods shall be absolutely condemned, and judgment shall be entered thereon by default, according to the usual method of proceedings of the Court, in the same manner as if no claim or appearance had been entered into; and every person who shall be convicted of making or taking a false oath to any of the facts hereinbefore directed or required to be sworn, shall be deemed guilty of Perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt Perjury.

114.
Owners to give security for costs occasioned by the claim or appearance.

And be it Enacted, That upon the entry of any claim to any boat or vessel, or to any goods seized for any cause of forfeiture, or of any appearance to any information filed for such forfeiture, the person or persons who shall enter such claim or appearance as the owner or proprietor thereof (in case such claimant shall reside in the United Kingdom), shall be bound, with Two other sufficient sureties, in the penalty of *One hundred Pounds*, to answer and pay the costs occasioned by such claim or appearance; and if such owner or proprietor shall not reside in the United Kingdom, then and in such case the attorney or solicitor, by whose direction such claim or appearance shall be entered, shall in like manner be bound, with Two other sufficient sureties, in the like penalty, to answer and pay the costs occasioned by such claim or appearance.

115.
If suit brought on account of seizure and the Judge shall certify that there was probable cause, plaintiff to have Two-pence damages, and defendant fined not more than One Shilling.

And be it Enacted, That in case any information or suit shall be commenced or brought to trial on account of the seizure of any vessel, boat or goods, merchandizes or commodities whatsoever, or any horses or other animals, or any carriage seized as forfeited by this or any Act relating to the Customs, wherein a verdict shall be found for the claimant thereof; and it shall appear to the Judge or Court before whom the same shall have been tried, that there was a probable cause of seizure, such Judge or Court shall certify on the record that there was such probable cause, and in such case the person or persons who made such seizure shall not be liable to any action, indictment or other suit

suit or prosecution on account of such seizure ; and in case any action, indictment or other suit or prosecution shall be commenced and brought to trial against any person or persons whomsoever, on account of any such seizure as aforesaid, wherein a verdict shall be given
 5 against the defendants or defendant, if the Court or Judge before whom such information or suit shall have been tried, shall have certified on the said record that there was a probable cause for such seizure ; then the plaintiff, besides the things seized or the value thereof, shall not be entitled to above *Two-pence* damages, nor to any
 10 costs of suit ; nor shall the defendant or defendants in such prosecution be fined above *One Shilling*.

Jurisdiction.
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And be it Enacted, That no writ shall be sued out against, nor a copy of any process served upon, any officer of the Army, Navy, Marines, Customs or Excise, or against any person acting under the
 15 direction of the Commissioners of Her Majesty's Customs, for any thing done in the execution of or by reason of his office, until *One* calendar Month next after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent for the party who intends to sue out such writ or process as aforesaid,
 20 in which notice shall be clearly and explicitly contained in the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent, and that a fee of *Twenty Shillings* shall be paid for the preparing and serving of every such notice, and no more.

116.
 No process to be sued out against any officer making seizure until *One* calendar Month next after notice given.

25 Provided always, and be it Enacted, That no plaintiff in any case when an action shall be grounded on any such act done by the defendant, shall be permitted to produce any evidence of the cause of such action, except such as shall be contained in the notice to be given as aforesaid, or shall receive any verdict against such
 30 officer or person, unless he shall prove on the trial of such action that such notice was given, and in default of such proof, the defendant in such action shall receive a verdict with costs, as hereinafter mentioned.

117.
 No evidence to be adduced but what is contained in the notice.

And be it Enacted, That it shall and may be lawful to and for
 35 any such officer or other person to whom such notice shall have been given as aforesaid, at any time within *One* calendar Month after such notice shall have been given, to tender amends to the party complaining, or his, her or their agent or attorney, and in case the same is not accepted, to plead such tender in bar to any action to be
 40 brought against him grounded on such writ or process, together with the plea of not guilty and other pleas, with leave of the court, and if upon issue joined thereon, the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict

118.
 Officer may tender amends.

Jurisdiction.

for the defendant, and in such case or in case the plaintiff shall become non-suited or discontinue his, her or their action, or in case judgment shall be given for such defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only, 5. but if upon issue joined the jury shall find that no amends were tendered, or that the same were not sufficient, or shall find against the defendant in such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with his, her or their costs of suit. 10

119.
Neglecting to tender
amends may pay
money into court.

And be it Enacted, That in case such officer or other person as aforesaid shall neglect to tender any amends, or shall have tendered insufficient amends before the action brought, it shall and may be lawful for him, by leave of the court in which such action shall be brought, at any time before the trial of the said action, to pay into 15 court such sums of money as he shall see fit, whereupon such proceedings, orders and payments shall be had, made and given in and by such court, as in other actions where the defendant is allowed to pay money into court.

120.
Action to be commenced within Six Months next after cause of action has arisen.

And be it Enacted, That if any action or suit shall be brought or 20 commenced as aforesaid, such action or suit shall be brought or commenced within *Six Months* next after the cause of action shall have arisen, and not afterwards, and shall be laid and tried in the county or place where the cause of action is alleged to have occurred, and not in any other county or place, and the defendant or defendants 25 shall and may plead the general issue, and give the special matter in evidence at any trial had thereupon, and if the plaintiff or plaintiffs shall become non-suited or discontinue his, her or their action or suit, or if upon a verdict or demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall 30 be entitled to *Treble Costs*, and have such remedy for recovering the same as any defendant or defendants can or may have in other cases where costs are given by law.

121.
Judges of the
Queen's Bench may
issue warrants for
apprehending offenders
prosecuted by
indictment or information.

And be it Enacted, That whenever any person shall be charged with any offence against this or any Act relating to the Customs, 35 for which he or she may be prosecuted by indictment or information in Her Majesty's Court of Queen's Bench, and the same shall be made appear to any Judge of the same Court by affidavit or by certificate of an information or indictment being filed against such person in the said Court for such offence, it shall and may be lawful for such 40 Judge to issue his warrant under his hand and seal, and thereby to cause such person to be apprehended and brought before him or some other Judge of the same Court, or before some one of Her Majesty's Justices

Justices of the Peace, in order to his or her being bound to the Queen's Majesty, with Two sufficient sureties, in such sum as in the said warrant shall be expressed, with condition to appear in the said Court at the time mentioned in such warrant, and to answer all and singular indictments or informations for any such offence; and in case any such person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice respectively to commit such person to the common gaol of the county, city or place where the offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall become bound as aforesaid, or shall be discharged by order of the Court in Term-time, or of one of the Judges of the said Court in Vacation, and the recognizance to be thereupon taken shall be returned and filed in the said Court, and shall continue in force until such person shall have been acquitted of such offence, or in case of conviction shall have received judgment for the same, unless sooner ordered by the Court to be discharged, and that where any person, either by virtue of such warrant of commitment aforesaid, or by virtue of any Writ of Capias ad Respondendum, issued out of the said Court, is now detained or shall hereafter be committed to and detained in any gaol for want of bail, it shall be lawful for the prosecutor of any such indictment or information to cause a copy thereof to be delivered to such person or to the gaoler or keeper or turnkey of the gaol, wherein such person is or shall be so detained, with a notice thereon indorsed, that unless such person shall, within *Eight Days* from the time of such delivery of a copy of the indictment or information as aforesaid, cause an appearance and also a plea or demurrer to be entered in the said Court to such indictment or information, an appearance and the plea of not guilty will be entered thereto in the name of such person; and in case he or she shall thereupon, for the space of *Eight Days* after the delivery of a copy of such indictment or information as aforesaid, neglect to cause an appearance and also a plea or demurrer to be entered in the said Court to such indictment or information, it shall be lawful for the prosecutor of such indictment or information, upon affidavit being made and filed in the Court, of the delivery of a copy of such indictment or information with such notice indorsed thereon as aforesaid, to such person or to such gaoler, keeper or turnkey, as the case may be, which affidavit may be made before any Judge or Commissioner of the said Court, authorized to take affidavits in the said Court, to cause an appearance, and the plea of not guilty to be entered in the said Court to such indictment or information for such person, and such proceedings shall be had thereupon as if the defendant in such indictment or information appeared and pleaded not guilty, according to the usual course of the said Court, and that if upon trial of such indictment or information, any defendant so committed and detained as aforesaid, shall be acquitted of all the offences therein charged upon him or her, it shall be lawful

Jurisdiction.

Neglecting to give bail may be committed to gaol.

Indictments or informations may be served on the gaoler, and if offender neglect to appear, &c., the prosecutor may enter plea of not guilty.

If upon trial the party is acquitted,

the Judge may discharge him out of custody.

for the Judge before whom such trial shall be had, although he may not be one of the Judges of the said Court of Queen's Bench, to order that such defendant shall be forthwith discharged out of custody, as to his or her commitment as aforesaid, and such defendant shall be thereupon discharged accordingly.

122.

When recognizance is given, and the party shall not plead, a copy of the information or indictment may be delivered to his attorney.

If the party does not appear, a plea of not guilty may be entered.

And be it Enacted, That where any person shall be arrested by virtue of a warrant, issued as aforesaid, and shall enter into a recognizance, and appear in the said Court at the return of the said recognizance, but shall not afterwards plead to the information or indictment, it shall and may be lawful for the prosecutor of such information or indictment to cause a copy thereof to be delivered to such person or his or her attorney or agent, or to be left at his or her last place of abode, with a notice thereon, indorsed, that unless such person shall, within *Eight Days* from the time of such delivery of a copy of the information or indictment as aforesaid, cause a plea to be entered in the said Court to such information or indictment, that the prosecutor of such information or indictment will enter a plea of not guilty on his or her behalf; and that upon affidavit being made and filed in the said Court of the delivery of a copy of such information or indictment, with such notice indorsed thereon as aforesaid, to such person, or to his or her attorney or agent, or at his or her last place of abode, as the case may be, it shall be lawful for the prosecutor of such information or indictment to cause the plea of not guilty to be entered in the said Court to such information or indictment for such person, and such proceedings shall be had thereupon as if the defendant in such information or indictment had pleaded according to the usual course of the said Court.

123.

Certain articles herein mentioned not to be landed coastwise until the dues of the City of London are paid.

AND, for the purpose of enabling the Mayor, commonalty and citizens of the city of London and their successors to ascertain and collect the amount of the dues payable to them upon the several articles hereinafter mentioned, brought coastwise into the port of London; BE it Enacted, That if all or any of the goods of the description hereinafter mentioned; (that is to say), firkins of butter, tons of cheese, fish, eggs, salt, fruit, roots (eatable), and onions brought coastwise into the port of the said city, and which are liable to the said dues, shall be landed or unshipped at or in the said port before a proper certificate of the payment of the said Duties shall have been obtained, such goods respectively shall be forfeited and may be seized by any officer of Her Majesty's Customs empowered to seize any goods landed without due entry thereof, and such forfeiture may be sued for, prosecuted and recovered by action of debt, bill, plaint or information in any of Her Majesty's Courts of Record at Westminster, in the name of the Chamberlain of the said city, on behalf of the said Mayor, commonalty and citizens.

And

124.

When offenders are arrested, and give bail to the Sheriff, the bail bond to be assigned to Her Majesty.

And be it Enacted, That if any person shall be arrested under or by virtue of a writ of Capias ad Respondendum, issuing out of any of Her Majesty's Courts of Record, or out of any of the Superior Courts of Record of either of the counties palatine, at the suit of The Queen's Majesty, Her heirs and successors, and the Sheriff or other officer, shall take bail from such person, such Sheriff or other officer, at the request and costs of the prosecutor, shall assign to The Queen's Majesty, Her heirs and successors, the bail bond taken from such person, by indorsing the same and attesting the same under his hand and seal in the presence of Two or more credible witnesses, which may be done without any stamp, provided the assignment so indorsed be duly stamped before any suit be commenced thereupon, and if such bail-bond be forfeited, such process shall thereupon issue as on bonds originally made to the Queen's Majesty, Her heirs and successors, and the Court in which such bail-bond is put in suit may, by rule or rules of the same Court, give such relief to the defendant or defendants as is agreeable to justice and reason.

125.

Indictments for Customable or Excisable offences to be preferred by order of the Commissioners, and suits to be in the name of the Attorney-general or Lord Advocate, or of some officer.

And be it Enacted, That no indictment shall be preferred for any offence against this or any other Act or Acts relating to the Customs or Excise, nor shall any suit be commenced for the recovery of any penalty or forfeiture for any such offence (except in the cases of persons detained and carried before One or more Justices in pursuance of this Act), unless such indictment shall be preferred under the direction of the Commissioners of Her Majesty's Customs or Excise, or unless such suit shall be commenced in the name of Her Majesty's Attorney-general for England or Ireland, or in the name of the Lord Advocate of Scotland, or in the name of some officer of Customs or Excise, under the direction of the said Commissioners respectively.

126.

The Attorney-general or Lord Advocate may sign a nolle prosequi.

And be it Enacted, That if any prosecution whatever shall be commenced for the recovery of any fine, penalty or forfeiture incurred under this or any other Act relating to the Customs or Excise, it shall be lawful for Her Majesty's Attorney-general, or for the Lord Advocate of Scotland, if he is satisfied that such fine, penalty or forfeiture was incurred without any intention of fraud, or that it is inexpedient to proceed in the said prosecution, to stop all further proceedings, by entering a Nolle prosequi, or otherwise, on such information as well with respect to the share of such fine, penalty or forfeiture to which any officer or officers may be entitled as to the Queen's share thereof.

127.

Proof of payments of Duties, or of the lawful importation of goods to be on the owner.

And be it Enacted, That if any goods shall be seized for non-payment of Duties, or any other cause of forfeiture, and any dispute shall arise whether the Customs, Excise or inland Duties have been paid for the same, or the same have been lawfully imported, or concerning the place from whence such goods were brought, then and in such case the proof thereof shall be on the owner or claimer of such goods, and not on the officer who shall seize the same.

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And

128.

No Justice connected with the collection of the Revenue to interfere in summary convictions.

And be it Enacted, That no Justice of the Peace who is a Collector or Comptroller, or otherwise connected with the collection of the Customs or Excise, shall take cognizance of any matter relating to the summary conviction of persons offending against this or any other Act relating to the Customs.

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129.

Averment of certain matters to be sufficient unless the contrary is proved.

And be it Enacted, That in case of any information or proceedings had under this or any Act relating to the Customs, the averment that the Commissioners of Her Majesty's Customs or Excise have directed or elected such information or proceedings to be instituted, or that any vessel is foreign or belonging wholly, or in part, to Her Majesty's subjects, or that any person detained or found on board any vessel or boat liable to seizure, is or is not a subject of Her Majesty, or that any person is an officer of the Customs, and where the offence is committed in any port in the United Kingdom, the naming such port in any information or proceedings shall be sufficient without proof as to such fact or facts, unless the defendant in such case shall prove to the contrary.

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130.

Persons employed for prevention of smuggling to be deemed duly employed.

And be it Enacted, That all persons employed for the prevention of smuggling under the direction of the Commissioners of Her Majesty's Customs, or of any officer or officers in the service of the Customs shall be deemed and taken to be duly employed for the prevention of smuggling, and the averment in any information or suit, that such party was so duly employed shall be sufficient proof thereof, unless the defendant in such information or suit shall prove to the contrary.

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131.

Vivâ voce evidence may be given that a party is an officer,

And be it Enacted, That if upon any trial a question shall arise whether any person is an officer of the Army, Navy or Marines being duly employed for the prevention of smuggling, and on full pay, or an officer of Customs or Excise, evidence of his having acted as such shall be deemed sufficient, and such person shall not be required to produce his commission or deputation, unless sufficient proof shall be given to the contrary; and every such officer and any person acting in his aid or assistance shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty, or to any reward, upon the conviction of the party charged in such suit or information.

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Witness competent, although entitled to part of seizure or to reward.

132.

What shall be deemed sufficient evidence of an order of the Treasury or of the Commissioners of Customs or Excise.

And be it Enacted, That upon the trial of any issue or upon any judicial hearing or investigation touching any penalty or forfeiture under any law or laws relating to the Customs or Excise, or to the law of Navigation, where it may be necessary to give proof of any order issued by the Commissioners of Her Majesty's Treasury, or by the Commissioners of Her Majesty's Customs or Excise respectively, the order or any letter or instructions referring thereto which shall have been officially received by any officer of Customs or Excise for his

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his

his government, and under which he shall have acted as such officer, shall be admitted and taken as sufficient evidence and proof of such order, to all intents and purposes whatsoever.

And be it Enacted, That all suits, indictments or informations exhibited for any offence against this or any other Act relating to the Customs in any of Her Majesty's Courts of Record at Westminster, or in Dublin or in Edinburgh, or in the Royal Courts of Guernsey, Jersey, Alderney, Sark or Man, shall and may be had, brought, sued or exhibited within *Three Years* next after the date of the offence committed, and shall and may be exhibited before any one or more Justices of the Peace, within *Six Months* next after the date of the offence committed.

^{133.}
Within what time suits, indictments or informations are to be exhibited.

Provided always, and be it Enacted, That where any person shall have been detained for any offence against this or any Act relating to the Customs, and shall have made his escape from custody, an information may be exhibited before One or more Justices of the Peace against such person for such offence at any time afterwards, although more than *Six Months* shall have expired.

^{134.}
Information in certain cases may be exhibited any time after Six Months.

And be it Enacted, That any indictment or information for any offence against this or any other Act relating to the Customs shall and may be inquired of, examined, tried and determined in any county of England, where the offence is committed in England, and in any county in Scotland, where the offence is committed in Scotland, and in any county in Ireland, where the offence is committed in Ireland, in such manner and form as if the offence had been committed in the said county where the said indictment or information shall be tried.

^{135.}
Indictments or informations may be tried in any county in England, Scotland or Ireland respectively.

AND whereas by an Act passed in the Session of Parliament holden in the second and third years of the reign of Her present Majesty, intituled, "An Act for further improving the Police in and near the Metropolis," it is enacted, that, after the passing of that Act, all summonses and warrants to be issued in any criminal proceeding within the Metropolitan Police District, or by any Magistrate within the said district, shall be served and executed by a Constable of the Metropolitan Police Force, and by none other: AND where as it is expedient, in cases of proceedings instituted by direction of the Commissioners of Her Majesty's Customs or Excise, that such summonses or warrants should be executed by their respective officers; BE it therefore Enacted, That from and after the *passing of this Act* all such summonses and warrants shall and may be served and executed by any officer of the Customs or Excise, any Act now in force or hereafter to be made to the contrary in anywise notwithstanding.

^{136.}
Summonses, & c. in Customs or Excise proceedings may be served within the Police District by the officers of Customs or Excise.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

^{137.}
Act may be altered this Session.

SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

No. 1.

FORM of INFORMATION before Justices of the Peace where a PECUNIARY PENALTY is inflicted.

County of } BE it Remembered, That on the day of
to wit. } in the year of our Lord at

A. B., an officer of Customs, who is directed by the Commissioners of Her Majesty's Customs to prefer this information, gives us, Two
of Her Majesty's Justices of the Peace in and for to understand and
be informed that C. D., within Six Months now last past, that is to say, on the
day of in the year of our Lord

[here state the offence], contrary to the form of the Statute in that case made and provided, whereby the said C. D. hath forfeited for his said offence the sum of Pounds.

No. 1.

FORM of WARRANT of COMMITMENT to Gaol for a PECUNIARY PENALTY.

County of } To A. B., Officer of Customs, and to the Gaoler or Keeper of the
to wit. } at in the

WHEREAS C. D. has this day been duly convicted before us, Two
of Her Majesty's Justices of the Peace in and for upon the
information of A. B. an officer of Customs, who was directed by the Commissioners of
Her Majesty's Customs to prefer the same, for that within Six Months now last past, to
wit, on the day of in the year of our Lord
[here state the offence as in the information] :

And whereas we, the said Justices, did adjudge that the said C. D. had forfeited for his said offence the sum of Pounds, which said sum of Pounds has not been paid :

These are, therefore, to require you, the said A. B., forthwith to take, carry and convey the said C. D. to the _____ at _____ in the _____ and to deliver him into the custody of the gaoler or keeper of the said _____. And we, the said Justices, do hereby authorize and require you, the said gaoler or keeper of the said gaol, to receive and take the said C. D. into your custody and him safely to keep until he shall duly pay the said sum of _____ Pounds. Given under our hands and seals at _____ this _____ day of _____ in the year of our Lord _____

No. 1.

No. 1.

FORM of CONVICTION for a PECUNIARY PENALTY.

County of } BE it Remembered, That on the day of
 to wit. } in the year of our Lord at
 an information was exhibited by A. B., an officer of Customs, who was
 directed by the Commissioners of Her Majesty's Customs to prefer the same before us
 Two of Her Majesty's Justices of the Peace in and for
 against C. D., which said information charged that the said C. D. within
 Six Months then last past; that is to say, on the day of
 in the Year of our Lord [here state the offence as in the
 information], contrary to the form of the Statute in that case made and provided, whereby
 the said C. D. had forfeited for his said offence the sum of Pounds, which
 offence ["has been duly proved before us, the said Justices," or, "the party has confessed
 himself to be guilty of," as the case may be]. We, the said Justices, do therefore con-
 vict the said C. D. of the said offence, and do adjudge that the said C. D. hath forfeited
 for his said offence the sum of Pounds. Given under our hands and seals
 at the day of in the Year
 of our Lord

No. 2.

FORM of INFORMATION before Justices of the Peace where the Penalty of HARD LABOUR is inflicted.

County of } BE it Remembered, That on the day of in
 to wit. } the year of our Lord at
 A. B., an officer of Customs who is directed by the Commissioners of Her
 Majesty's Customs to prefer this information, gives us
 Two of Her Majesty's Justices of the Peace, in and for to
 understand and be informed, that C. D., within Six Months now last past, (that is to say)
 on the day of in the year of our Lord One thousand eight
 hundred and [here state the offence], contrary to the form of the Statute
 in that case made and provided; whereby the said C. D. hath, for his said offence,
 become liable to be imprisoned in a House of Correction, and there kept to Hard Labour
 for any term not less than Six nor greater than Nine calendar Months.

No. 2.

FORM of CONVICTION for the Penalty of HARD LABOUR.

County of } BE it Remembered, That on the day of
 to wit. } in the year of our Lord at
 an information was exhibited by A. B., an officer of Customs, who was
 directed by the Commissioners of Her Majesty's Customs to prefer the same before us
 Two of Her Majesty's Justices of the Peace in and
 for against C. D., which said information charged that the
 said C. D., within Six Months then last past (that is to say) on the
 day of in the year of our Lord [here state the offence as in the information]
 contrary to the form of the Statute in that case made and provided; whereby the said
 C. D. had, for his said offence, become liable to be imprisoned in a House of Correction,
 537. G 3 and

Smuggling Prevention.

A

B I L L

For the Prevention of Smuggling.

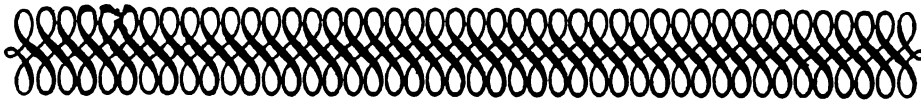
(Prepared and brought in by
*Mr. Greene, Mr. Chancellor of the Exchequer,
and Mr. Cardwell.*)

*Ordered, by The House of Commons, to be Printed,
18 July 1845.*

[*Price 6d.*]

537.

Under 8 oz.



(Ireland.)

A

B I L L

To amend certain Regulations respecting the Retail of Spirits in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **HEREAS** by an Act of the sixth and seventh years of the
reign of his late Majesty King WILLIAM the Fourth,
intituled, “An Act to amend an Act passed in the third and fourth
years of the reign of his present Majesty, intituled, ‘An Act to
5 amend the Laws relating to Excise Licenses, and to the Sale of Wine,
Spirits, Beer and Cider by Retail in Ireland,’” it is enacted, “that
from and after the passing of this Act, no person in Ireland who shall
be duly licensed under any Act or Acts for granting Excise Licenses,
to deal in or sell Coffee, Tea, Cocoa-nuts, Chocolate or Pepper, nor
10 any person deemed a Grocer within the meaning of the laws of the
Excise in force in Ireland, at or immediately before the passing of this
Act, shall be entitled to take out any License to retail Spirits in
the house or on the premises of such retailer, or in any house or on
any premises within One-quarter of a Mile of the house or premises of
15 such retailer, other than a License to retail Spirits in quantities not
less at one time than One Pint, and to be consumed elsewhere than
in the house or on the premises of such retailer; and any License to
retail Spirits in any other manner, granted after the passing of
this Act, to any such Grocer or person so licensed as aforesaid, shall
20 be wholly null and void to all intents and purposes whatsoever:” And
whereas it is expedient that so much of the said Act as is above
recited should be repealed, and that all Excise Licenses to persons in
Ireland to deal in or sell Coffee, Tea, Cocoa-nuts, Chocolate or
Pepper,

Preamble :
6 & 7 W. 4,
c. 38.

1.
So much of
the Act as is
recited re-
pealed, and
all Excise
Licenses for
the retail of
Spirits in
Ireland to be
granted as if
such Regula-
tions had not
been enacted.

6 Geo. 4, c. 81.

3 & 4 W. 4,
c. 68.

6 & 7 W. 4,
c. 38.

2 & 3 Vict.,
c. 79.

7 & 8 Vict.,
c. 82.

2.
Justices of
the Peace or
Constables
authorized to
enter the
Houses of
Persons
licensed to

Pepper, or to retail Spirits in the house or on the premises of such
retailer, or to be consumed elsewhere than in the house or on
the premises where sold, should be granted in the same manner
and at the same rates of duty as if so much of the said Act
as is above recited had not been enacted; ~~BE it Enacted~~, by The 5
QUEEN's most Excellent MAJESTY, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
THAT from and after the commencement of this Act, so much of
the said Act as is above recited shall be repealed, and that the 10
Excise License to persons in Ireland trading in or selling Coffee, Tea,
Cocoa-nuts, Chocolate or Pepper, and the Excise License to per-
sons in Ireland to be retailers of Spirits to be drunk or consumed
in or upon the house or premises where sold, and the Excise
License to retailers of Spirits in Ireland being duly licensed to 15
trade in, vend and sell Coffee, Tea, Cocoa-nuts, Chocolate or
Pepper, and not selling Spirits in any greater quantity at one time
than Two Quarts, or any Spirits to be consumed in the house or on
the premises of such retailer, shall be severally granted in like man-
ner, and at the same rates of duty respectively, and under the same 20
regulations as directed by an Act passed in the sixth year of the
reign of his late Majesty King GEORGE the Fourth, intituled, "An
Act to repeal several Duties payable on Excise Licenses in Great
Britain and Ireland, and to impose other Duties in lieu thereof, and
to amend the Laws for granting Excise Licenses;" and by a certain 25
other Act of the third and fourth years of the reign of his late
Majesty King WILLIAM the Fourth, intituled, "An Act to amend
the Laws relating to the Sale of Wine, Spirits, Beer and Cider by
Retail in Ireland;" and by the said Act of the sixth and seventh
years of the reign of his late Majesty King WILLIAM the Fourth, 30
save and except so much of the said last-mentioned Act as is above
recited and hereby repealed; and by a certain other Act of the
second and third years of the reign of Her Majesty, intituled, "An
Act for the better Prevention of the Sale of Spirits by unlicensed Per-
sons in Ireland;" and by a certain other Act of the seventh and 35
eighth years of the reign of Her present Majesty, intituled, "An Act
to continue for Five Years so much of an Act of the Second and
Third Years of Her present Majesty, as enables Justices to grant
Warrants for entering Places in which Spirits are sold without License
in Ireland."

40

AND whereas the said Act passed in the sixth year of the reign
of King GEORGE the Fourth, and the License therein mentioned to
retailers of Spirits in Ireland, being duly licensed to trade in, vend
and sell Coffee, Tea, Cocoa-nuts, Chocolate or Pepper, and not
selling Spirits in any greater quantity at one time than Two Quarts,

or

or any Spirits to be consumed in the house or on the premises of such retailer, require that the Spirits sold under such License shall be consumed elsewhere than in the house or on the premises of such retailer ; BE it Enacted, That from and after the *passing of this Act*, it shall

retail Spirits
to be con-
sumed else-
where than on
the Premises.

- 5 be lawful for any Justice of the Peace, or any Chief or other Constable within the limits of his jurisdiction, to enter into any house or place kept by such retailer as aforesaid for selling Spirits, or any other article, at any time or hour at which such house or place is kept open for any such sale as aforesaid ; and if any such retailer shall on de-
- 10 mand of entrance by any such Justice, Chief or other Constable, oppose or obstruct such entrance, or delay to admit such Justice, Chief or other Constable into any such house or place, or if such retailer is found selling Spirits by retail to be consumed in such house or place, or harbouring any person who appears to be or to have
- 15 recently been drinking or tippling Spirits therein, such retailer, over and above every other penalty he incurs, shall forfeit and pay the sum of *Two Pounds*, to be sued for and recovered as any other penalty under the said recited Act of the third and fourth years of the reign of his late Majesty King WILLIAM the Fourth, and subject to the
- 20 several provisions in the said recited Act in that behalf, and on due conviction of any such offence as aforesaid, the License of such retailer as aforesaid shall become forfeited.

And be it Enacted, That this Act, where it is not otherwise specified, shall be deemed to have commenced and shall take effect from the

25 *Fourth day of July in this present year.*

3.
Act to com-
mence on the
4th of July
1845, where
not otherwise
specified.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

4.
Act may be
amended this
Session.

Spirits (Ireland).

A

B I L L

To amend certain Regulations respecting the
Retail of Spirits in Ireland.

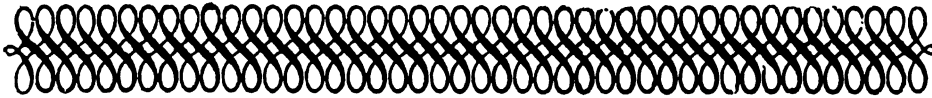
(Prepared and brought in by
Mr. Greene, Mr. Chancellor of the Exchequer,
and Mr. Cardwell.)

Ordered, by The House of Commons, to be Printed,
9 July 1845.

474.

Under 1 ox.

15 July 1845.—9 VICT.



A

B I L L

To increase the Stamp Duty on Licenses to Appraisers; to reduce the Stamp Duties on Registry Searches in Ireland; to amend the Law relating to the Duties on Legacies; and also to amend an Act of the last Session of Parliament for regulating the Issue of Bank Notes in England.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ under and by virtue of an Act passed in the fifty-fifth year of the reign of King GEORGE the Third, intituled, "An Act for repealing the Stamp Duties on Deeds, Law Proceedings and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies now payable in Great Britain, and for granting other Duties in lieu thereof," certain Stamp Duties specified and contained in a Schedule to the said Act annexed were granted and made payable in Great Britain, and (amongst others) the Duty of Ten Shillings for and in respect of a License to use and exercise the calling or occupation of an Appraiser, to be taken out yearly by every person who shall exercise the said calling or occupation, or make any appraisalment or valuation charged by the said Act with a duty, for or in expectation of any gain, fee or reward, except licensed Auctioneers:

Preamble:
55 Geo. 3,
c. 184.

15 And whereas under and by virtue of an Act passed in the fifth and sixth years of Her present Majesty's reign, intituled, "An Act to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same until the Tenth day of October One thousand eight hundred and Forty-five," the Stamp Duties granted and then payable in England under or by virtue of the said first-recited Act, were extended to and made payable in Ireland for a term limited by the said last-recited Act, in lieu

5 & 6 Vict.,
c. 82.

516.

A

of

of certain Stamp Duties thereby repealed ; and the same Duties have been granted and continued and are now payable in Ireland for a further term under and by virtue of an Act passed in this present Session of Parliament, intituled, “ An Act to continue for Three Years the Stamp Duties granted by an Act of the fifth and sixth years of Her present Majesty, to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same until the Tenth day of October One thousand eight hundred and Forty-five :”

8 Vict., c. 2.

And whereas it is expedient to increase the Duty in respect of Licenses to be taken out by Appraisers in Great Britain and Ireland respectively ;

BE it therefore Enacted, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, the said Duty now payable in Great Britain and Ireland respectively under or by virtue of the said several recited Acts, or any of them, for or in respect of a License to use and exercise the calling or occupation of an Appraiser, shall cease and determine, and the same is hereby repealed ; and that in lieu thereof there shall be granted, raised, levied, collected and paid in Great Britain and Ireland respectively, unto and for the use of Her Majesty, Her heirs and successors, the Duty of *Two Pounds*,

1.
Stamp Duty
on Appraisers’
Licenses re-
pealed, and
an increased
Duty thereon
granted in
lieu.

For and in respect of a License to use and exercise the calling or occupation of an Appraiser, to be taken out yearly by every person (except a licensed Auctioneer) who shall exercise the said calling or occupation of an Appraiser, or who, for or in expectation of any gain, fee or reward, shall make any appraisal or valuation chargeable by law with any Stamp Duty.

2.
Preamble :

AND whereas, under and by virtue of the said several recited Acts, certain Duties have been granted and are now payable in Ireland in respect of Searches in the office for the Registry of Deeds, and it is expedient to repeal the same, and to grant other and reduced Duties in lieu thereof ; BE it therefore Enacted, That from and after the *passing of this Act*, the several and respective Stamp Duties now payable in Ireland, under or by virtue of the said several recited Acts or either of them, in respect of Searches in the office for the Registry of Deeds, (that is to say), for or in respect of “ any copy or extract of any Memorial or of the Registry of any Memorial registered pursuant to any Act of Parliament made for the public registering of Deeds and Conveyances,” or for or in respect of “ every piece of vellum,

Stamp Duties
payable in
Ireland on
Registry
Searches re-
pealed, and
reduced
Duties granted
in lieu
thereof.

vellum, parchment or paper upon which any such copy or extract shall be written after the first," shall cease and determine in Ireland, save and except such of the said Duties or so much or such part or parts thereof as have become due and payable and now remain in arrear and unpaid, and that in lieu of the said Duties so hereby repealed as last mentioned, there shall be granted, raised, levied, collected and paid in Ireland, unto and for the use of Her Majesty, Herheirs and successors, the several Duties next hereinafter mentioned; (that is to say)

- 10 For and in respect of Extracts or Abstracts from Deeds or other Acts issued from the office for Registry of Deeds and so forth, called the Registry Office, and commonly called a Common Search, and whether such Search shall contain the Extract from any Deeds or Deed or not, and whether the same
- 15 be signed by or on behalf of any officer or clerk belonging to such office or not;

For each sheet or piece of paper on which such Search, Extract or Extracts, Abstract or Abstracts shall be written, the sum of *Three Shillings*:

- 20 And for and in respect of Searches for Deeds or Abstracts or Extract from Deeds or other Acts issued from the office for registering Deeds called the Register Office, commonly called a Negative Search;

For each Copy of any Deed or Memorial, or for each Extract or Abstract from any Deed or Memorial, which such negative

25 Search shall give or contain, the sum of *Three Shillings*;

And on the Officer's Certificate on such Search, over and above all other Duties, the sum of *Ten Shillings*.

- And be it Enacted, That the said several Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the care and management of the Commissioners of Stamps and Taxes for the time being; and that all the powers, provisions, clauses, regulations and directions, fines, forfeitures, pains and penalties contained in or imposed by the several former Acts of Parliament relating to any prior Duties of the same kind or description in Great Britain and Ireland respectively, and in force at the time of the passing of this Act, shall respectively be of full force and effect with respect to the Duties by this Act granted, and to the vellum, parchment and paper, articles, matters and things charged and chargeable therewith, and to the persons liable to the payment of the said Duties, and shall be observed, applied, enforced and put in execution for the raising, levying, collecting and securing of the said Duties hereby granted, and otherwise in relation thereto, as fully and
- 30
- 35
- 40
- 516.
- effectually

3.
Powers and Provisions of former Acts to be applied to the Duties granted by this Act.

effectually to all intents and purposes as if the same had been herein repeated and specially enacted with reference to the said Duties by this Act granted.

4.
Preamble :

Certain Gifts
by Will or
Testamentary
Instrument to
be deemed
Legacies.

AND whereas under or by virtue of the said several recited Acts, certain Duties have been granted and are now payable in Great Britain and Ireland respectively upon Legacies, and doubts have been entertained whether certain gifts by Will or Testamentary Instrument are Legacies liable to the said Duties, and it is expedient to remove such doubts; BE it therefore Enacted, That from and after the *passing of this Act*, every gift by any Will or Testamentary Instrument of any person, which by virtue of any such Will or Testamentary Instrument is or shall be payable, or shall have effect or be satisfied out of the personal or moveable estate or effects of such person, or out of any personal or moveable estate or effects which such person hath had or shall have power to dispose of, or which gift is or shall be payable or have effect or be satisfied out of or charged or rendered a burden upon the real or heritable estate of such person, or any real or heritable estate, or the rents or profits thereof, which such person hath had or shall have had any right or power to charge, burden or affect with the payment of money, or out of or upon any monies to arise by the sale, burden, mortgage or other disposition of any such real or heritable estate or any part thereof, whether such gift shall be by way of annuity or in any other form, and also every gift which shall have effect as a donation mortis causâ, shall be deemed a Legacy within the true intent and meaning of all the several Acts granting or relating to Duties on Legacies in Great Britain and Ireland respectively, and shall be subject and liable to the said Duties accordingly : Provided always, That no sum of money which by any marriage settlement is or shall be subjected to any limited power of appointment to or for the benefit of any person or persons therein specially named or described as the object or objects of such power, or to or for the benefit of the issue of any such person or persons, shall be liable to the said Duties on Legacies under the Will in which such sum is or shall be appointed or apportioned in exercise of such limited power.

5.
Preamble :
7 & 8 Vict.,
c. 32.

Provision for
recovery and
application
of Penalties
under last-
recited Act.

AND whereas an Act was passed in the last Session of Parliament, intituled, "An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of England certain Privileges for a limited Period," and certain penalties are thereby imposed for offences against the provisions of the same Act, and it is expedient to provide for the recovery and application of such penalties ; BE it therefore Enacted, That from and after the *passing of this Act*, all pecuniary penalties imposed by or incurred under the said last-recited Act may be sued or prosecuted for and recovered for the use

use of Her Majesty, in the name of Her Majesty's Attorney-General
 or Solicitor-General, or of any person authorized to sue or prosecute
 for the same, by writing under the hands of the Commissioners of
 Stamps and Taxes, or in the name of any Officer of Stamp Duties, by
 5 action of debt, bill, plaint or information in the Court of Exchequer
 at Westminster, in such and the same manner as any penalties imposed
 by any of the laws now in force relating to the Duties under the manage-
 ment of the said Commissioners ; and it shall be lawful in all cases
 for the said Commissioners, either before or after any proceedings
 10 commenced for recovery of any such penalty, to mitigate or compound
 any such penalty as they shall think fit, and to stay any such pro-
 ceedings after the same shall have been commenced, and whether
 judgment may have been obtained for such penalty or not, on pay-
 ment of part only of any such penalty with or without costs, or on
 15 payment only of the costs incurred in such proceedings, or of any part
 thereof, or on such other terms as such Commissioners shall judge
 reasonable: Provided always, That in no such proceeding as afore-
 said shall any essoign, protection, wager of law or more than one
 imparlance be allowed ; and all pecuniary penalties imposed by or
 20 incurred under the said last-recited Act, by whom or in whose name
 soever the same shall be sued or prosecuted for or recovered, shall
 go and be applied to the use of Her Majesty, and shall be deemed to
 be and shall be accounted for as part of Her Majesty's Revenue
 arising from Stamp Duties, anything in any Act contained, or any
 25 law or usage to the contrary in anywise notwithstanding: Provided
 always, That it shall be lawful for the said Commissioners at their
 discretion to give all or any part of such penalties as rewards to any
 person or persons who shall have detected the offenders, or given
 information which may have led to their prosecution and conviction.

And be it Enacted, That this Act may be amended or repealed by
 any Act to be passed in this present Session of Parliament.

6.
 Act may be
 amended this
 Session.

Stamp Duties, &c.

A

B I L L

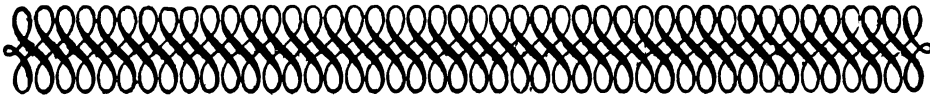
To increase the Stamp Duty on Licenses to Appraisers; to reduce the Stamp Duties on Registry Searches in Ireland; to amend the Law relating to the Duties on Legacies; and also to amend an Act of the last Session of Parliament for regulating the Issue of Bank Notes in England.

(Prepared and brought in by
Mr. Green, Mr. Chancellor of the Exchequer
and *Mr. Cardwell.*)

Ordered by The House of Commons, to be Printed,
15 July 1845.

516.

Under 1 oz.



A

B I L L

To continue, for a further Term, the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, “to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same, until the Tenth day of October One thousand eight hundred and Forty-five.”

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

MOST GRACIOUS SOVEREIGN,

W~~H~~~~E~~~~R~~~~E~~~~A~~~~S~~ by an Act passed in the fifth and sixth years of Your MAJESTY's reign, intituled, “An Act to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same, until the Tenth day of October One thousand eight hundred and Forty-five,” certain Rates and Duties, denominated Stamp Duties, were granted to Your MAJESTY for a term therein limited, which will expire on the Tenth day of October One thousand eight hundred and Forty-five: We, Your MAJESTY's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary Supplies to defray Your MAJESTY's public Expenses, have freely and voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your MAJESTY for the period hereinafter mentioned; and

Preamble :
5 & 6 Vict.
c. 82.

DO most humbly beseech Your MAJESTY,

15 That it may be Enacted; ~~And be it Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT all the several Sums of Money, and Duties, and Composition for Duties, granted by the said recited Act, and not repealed by any subsequent Act, and also all Duties now payable in lieu or instead of any of the said Duties which may have been so

59.

1.
Duties continued for
Three Years.

repealed,

repealed, shall be and the same are hereby continued, and shall be charged, raised, levied, collected and paid unto and for the use of Her Majesty, Her heirs and successors, for the term of *Three* Years, to commence on and to be computed from the Tenth day of October One thousand eight hundred and Forty-five.

5

2.
Acts con-
tinued in
force.

And be it Enacted, That the said recited Act, and all and every other Act and Acts now in force in relation to the Duties granted by the said recited Act, shall severally be continued and remain in full force and be of the like effect in all respects in relation to the Duties hereby continued and granted, as if the said Duties had been originally granted 10 by the said recited Act for a period which did not expire before the end of the term for which the same are continued and granted by this Act ; and all and every the powers and authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters and things contained in the said Acts, or any of them, and in force as aforesaid, 15 shall severally and respectively be duly observed, practised, applied and put in execution in relation to the said Duties hereby continued and granted, as well during the term herein limited as after the expiration thereof, for the charging, raising, levying, paying, accounting for and securing of the said Duties and all arrears thereof, and for 20 the preventing, detecting and punishing of all frauds, forgeries and other offences relating thereto, as fully and effectually to all intents and purposes as if the same powers, authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters and things were particularly repeated and re-enacted in the body of this Act, with 25 reference to the said Duties hereby granted.

3.
Act may be
amended this
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Stamp Duties Assimilation.

A

B I L L

To continue, for a further Term, the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, "to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same, until the Tenth day of October One thousand eight hundred and Forty-five."

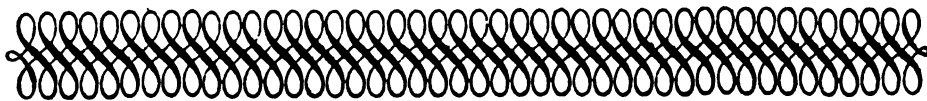
(Prepared and brought in by
Mr. Chancellor of the Exchequer, Mr. Cardwell,
and Mr. Greene.)

Ordered, by The House of Commons, to be Printed,
21 February 1845.

59.

Under 1 oz.

10 April 1845.—8 VICT.



A

B I L L

For amending the Laws concerning Highways, Bridges and Ferries in Scotland, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ it has been found by experience that the laws Preamble.
concerning Highways, Bridges and Ferries in Scotland, and
concerning the Statute Service for making and repairing them, and
the conversion thereof in money, may be amended in various parti-
5 culars :

And whereas it is expedient that further regulations should be made concerning the said Highways, Bridges and Ferries, and that the system of managing them should be rendered more uniform ;

BE it therefore ~~Enacted~~, by The QUEEN's most Excellent
10 MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, all the enactments, provisions, matters and things in this Act contained shall extend to all Highways, Bridges and Ferries in
15 Scotland, to which Statute Service, or the conversion thereof in money, is or shall be applied, and to all Acts of Parliament now in force or which shall hereafter be passed affecting such Highways, Bridges or Ferries in Scotland, saving and excepting such enactments, provisions, matters and things as shall be expressly varied, altered or repealed by
20 any Act that shall be hereafter passed.

1.
This Act to apply to all Statute Service Roads, &c.

And be it Enacted, That Justices of the Peace and Commissioners of Supply acting in the execution of this or any Act of Parliament for
205. making

2.
Trustees to include Justices, &c.

making and repairing Highways, Bridges and Ferries in Scotland by Statute Service, or the conversion thereof in money, shall be held in this Act to be included under the description of Trustees acting as aforesaid.

3.
Regulation of
Meetings.

And be it Enacted, That all Trustees acting in the execution of this or any Act of Parliament for making and repairing Highways, Bridges and Ferries in Scotland by Statute Service, or the conversion thereof in money, shall at all their meetings pay their own expenses, and shall in the first place appoint a Preses at every meeting, who in case of an equal number of votes, including his own, shall have the casting vote; and no order or determination at any such meeting once made or agreed upon shall be revoked or altered at any subsequent meeting, unless notice of the intention to propose such revocation or alteration shall have been given at a previous meeting, and entered in the minutes of such meeting, and transmitted by post to every Trustee not present at such previous meeting, who shall have been present at the meeting where such order or determination was made, and such notice shall also be published by Two several advertisements in some newspaper usually circulated in the county or district of the county where the Road or Roads or the principal part thereof shall be, *Ten* Days at least previous to such subsequent meeting; and it shall be lawful for any Two Trustees as aforesaid at any time to call or require their Clerk to call a meeting: Provided always, That notice of such meeting and of the purpose thereof shall be published by Two advertisements as aforesaid.

4.
Officers to be
appointed and
Security to be
taken.

And be it Enacted, That all such Trustees acting as aforesaid may and are hereby authorized to appoint Clerks, Collectors, Treasurers, Superintendents, Surveyors and other officers, with reasonable allowances for their trouble, and to take such security from any of them for their intromissions, and for the faithful discharge of their duty, as may be deemed expedient; and no person acting as such Trustee, Clerk, Collector, Treasurer, Superintendent, Surveyor or other officer, shall directly or indirectly have or hold any share or interest in any contract for making or repairing any of the said Highways, Bridges or Ferries, under a penalty of *Twenty Pounds*.

5.
Trustees may
pursue and be
pursued in
the name of
their Clerk,
&c.

And be it Enacted, That all such Trustees acting as aforesaid may pursue and be pursued in the name of their Clerk or Treasurer for the time being; and no action or process shall cease by the death or removal of such Clerk or Treasurer, but shall be continued in the name of the Clerk or Treasurer for the time.

6.
Books of
Minutes and
Accounts to
be kept.

And be it Enacted, That all such Trustees acting as aforesaid shall cause a book or books to be kept, in which shall be entered all the minutes of their orders and proceedings, as also true and regular accounts of all service performed, and of all money received and expended

expended on account of the Highways, Bridges and Ferries under their charge, specifying the sums applied to ordinary repairs, and to improvements of each Road, and to management and expenses, and the sums due and not recovered, as also the amount of debt and interest thereof; and such accounts shall be annually made up in each county or district of a county before the last day of December, and shall be annually audited and signed by Two of the said Trustees, or by their Preses, if more than Two be present; and any person having performed service, or paid the conversion in money for the past or current year, may see and take a copy of the said accounts, or any part thereof, on paying *One Shilling* to the Clerk for each time of inspection; and any Clerk neglecting to make up such accounts before the Thirty-first day of December of the said current year, or refusing or not permitting inspection of such accounts as aforesaid, shall forfeit and pay a sum not exceeding *Five Pounds* to any such person, who shall prosecute for the same, with the expenses of process or proceedings; and it shall not be lawful for any person whatsoever to act in any way in the collection of another year's conversion, or in the expenditure of the same, until such accounts shall have been made up, audited and signed as above directed.

Accounts to be audited.

Permission to inspect Accounts.

And be it Enacted, That it shall not be lawful to commence any legal process or proceeding for the recovery of any sum due or leivable as conversion of Statute Service for making or maintaining any Highway, Bridge or Ferry, after the Thirty-first day of December in the year for which the said service or money is due.

7.
No process for recovery of conversion to commence after the last day of the year.

And be it Enacted, That it shall not be lawful to recover by any warrant or legal process or proceeding whatsoever, other than that provided by an Act passed in the seventh year of King WILLIAM the Fourth and in the first year of Queen VICTORIA, intituled, "An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in Scotland," any sum under the amount of *Eight Pounds Six Shillings and Eight-pence*, due or leivable as conversion of Statute Service for making or maintaining any Highway, Bridge or Ferry, saving and excepting such proceedings as shall have been commenced before the *Term of Martinmas One thousand eight hundred and Forty-five*, which, notwithstanding any thing herein contained, may be continued and carried on in all respects as if this Act had not been passed.

8.
Process for recovery of sums under 8 l. 6 s. 8 d. 7 W. 4, and 1 Vict. c. 41.

And be it Enacted, That from and after this present year *One thousand eight hundred and Forty-five*, it shall not be lawful to require any person, not being the proprietor or occupier of lands, buildings or other heritable subjects rented or valued at *Five Pounds* or more yearly, to work or perform Statute Service on any Highway, Bridge or Ferry, or to exact or levy money from any such person as con-

9.
No person liable to work or pay who does not possess a house, &c. valued at 5 l. yearly.

version of Statute Service or otherwise, for making or maintaining any Highway, Bridge or Ferry ; and all warrants for poinding or imprisonment, and other legal proceedings whatsoever against any such person as aforesaid on account of non-performance of such work or service, or non-payment of such money or conversion, are hereby prohibited and discharged, saving and excepting such proceedings as shall have been commenced before the *last day of December One thousand eight hundred and Forty-five*, which, notwithstanding anything herein contained, may be continued and carried on in all respects as if this Act had not been passed.

10
Power to get
materials.

And be it Enacted, That it shall be lawful for all such Trustees acting as aforesaid, or any person authorized by them, to search for, dig and carry away materials for making or repairing any Highway, Bridge or Ferry, or for building, making or repairing any work connected therewith from any common land, open uncultivated land, or waste, or to deposit mud or rubbish thereon, without paying any surface damages, or any thing for such materials, except for stone to be used for building, and to carry the same through the ground of any person, such Trustees or other persons authorized by them filling up the pits or quarries, levelling the ground wherefrom such materials shall be taken, or fencing off such pits or quarries so that the same shall not be dangerous to any person or cattle, and paying for or tendering the damage done by going through and over any inclosed or arable lands for or with such materials, mud or rubbish, such damages to be ascertained as hereinafter mentioned ; and also that it shall be lawful for such Trustees and other persons authorized by them as aforesaid to search for, dig and carry away any such materials in or out of the inclosed land of any person where the same may be found, and to land or carry the same through or over the ground of any person (such materials not being required for the private use of the owner or occupier of such land, and such land or ground not being an orchard, garden, lawn, policy, nursery for trees, planted walk or avenue to any house, nor inclosed ground planted as an ornament or shelter to a house, unless where materials have been previously in use to be taken by the said Trustees), making or tendering such satisfaction for stones to be used for building, and for the surface damage done to the lands from whence such materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such Trustees shall judge reasonable ; and in case such Trustees and the proprietor or occupier of such lands shall differ as to the amount of such payments and damages as aforesaid, it shall be competent to the Sheriff or Justices of the Peace for the shire wherein the place from whence such materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the application of either party, with induciæ of Six Days, to hear and determine all questions as to the amount of such payments and damages,

Satisfaction.

damages, and the expenses attending the same: Provided always, That before taking such materials from any inclosed land from which the same shall not previously have been in use to be taken, *Fourteen* Days' previous notice in writing, signed by Two Trustees, shall be given
 5 to or left at the usual residence of the proprietor and occupier of the land or quarry from which it is intended to take the same, or his or her known agent, to appear before the Sheriff or any Two Justices of the Peace acting for the shire where the said lands are situate, to show cause why such materials shall not be so taken; and in case
 10 such proprietor, occupier or agent shall attend pursuant to such notice, or shall neglect or refuse to appear (proof on oath in such case being duly made of the service of such notice), such Sheriff or Justices shall authorize or prohibit the Trustees to take such materials, or make such order as they shall think fit.

Notice to be given before materials are taken from inclosed lands.

15 And be it Enacted, That it shall not be lawful for any person to take away any materials which shall have been procured or provided or used for making or repairing any Highway, Bridge or Ferry, or to take any materials out of any quarry which shall have been opened by any such Trustees for the purpose of getting materials, so as to
 20 interrupt or interfere with the workings carried on by such Trustees; and every person so offending shall for every such offence forfeit and pay any sum not exceeding *Five Pounds*.

11.
Penalty on taking away materials provided for repairing Highways, Bridges or Ferries.

And be it Enacted, That it shall be lawful for all such Trustees to make a Road through the grounds adjoining to any ruinous or narrow
 25 part of any Highway (not being an orchard, garden, lawn, policy, planted walk or avenue to any house, or nursery for trees), to be made use of as a public Highway whilst the old road is repairing or widening, making recompense to the proprietor and occupier of such grounds for the damages they may thereby sustain; and in case such
 30 Trustees and such proprietor or occupier shall differ as to the amount of such damages, it shall be competent to the Sheriff or Justices of the Peace for the shire where such damages or any part thereof shall have been incurred, on the application of either party, with an induciæ of *Six* Days, to hear and determine all questions as to the amount of
 35 such damages, and the expenses attending the same.

12.
Power to use adjoining ground as a temporary Road.

And be it Enacted, That it shall be lawful for all such Trustees to make sufficient side drains on any Highway, with power to conduct the water therefrom into any adjoining land, ditch or watercourse, (such land not being the site of any house or garden), in such manner
 40 as shall be least injurious to the proprietor or occupier of such land; the said side drains to be maintained at the expense of the Trustees.

13.
Trustees to make Side Drains.

14.
Trustees to
make Ditches.

And be it Enacted, That it shall be lawful for all such Trustees to make sufficient ditches along the side of any Highway, provided that if the land is inclosed on the side of such Highway such ditch shall be made on the field side of the fence, and also to make proper ditches and outlets from the said side ditches through any lands 5 adjoining any such Highway (not being the site of any house or garden), in such manner as shall be least injurious to the proprietor and occupier of such land; and the occupier of such land (unless such land be uninclosed and waste) shall be obliged in all time thereafter to keep clear such side ditches and other ditches or outlets, as 10 well as all such ditches already made along the sides of any Highway, when so required by the said Trustees or their Surveyor; and in case the proprietor or occupier shall neglect or refuse to cleanse such side ditches or other ditches or outlets, when duly required by such Trustees or Surveyors, such Trustees or Surveyors are hereby 15 empowered to cleanse such side ditches or other ditches or outlets, and levy the expense thereof from the occupier of such grounds: Provided always, That nothing herein contained shall prohibit any proprietor or occupier from substituting, to the satisfaction of the Trustees, any other equally effectual ditch or outlet in place of that 20 constructed by the Trustees.

15.
Timber,
Stones, &c.
left on Roads
may be
seized.

And be it Enacted, That it shall be lawful for any such Trustee or Surveyor of any Highway, or other person authorized by the said Trustees, *brevi manu*, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever, laid or left upon any such 25 Road or footpath, or on any side drain or ditch of such Road, and to sell or otherwise dispose of the same as a forfeiture, in such manner as the Trustees shall direct, unless such matter or thing shall be previously redeemed by the owner thereof, by payment of the penalty in such case enacted: Provided always, That the proprietor or occupier 30 of any lands or houses may lay down any materials for building or repairing any house or wall immediately adjoining any Highway, such materials occupying *One-fourth* part of such Road only, and such proprietor or occupier giving *Three Days'* previous notice in writing to the Clerk or Surveyor of the Road, and erecting such fence round 35 such materials, and fixing and lighting lamps thereon, in such manner as the Trustees may require.

16.
Penalties on
persons mak-
ing Encroach-
ments.

And be it Enacted, That if any person shall fill up or obstruct any ditch at the side of any Highway, or any ditch used for conveying water from the said Road, or any side drain thereof, or ditch or drain 40 under the same, or shall encroach by making any dwelling-house or other building, or any hedge, ditch or other fence, or in any other manner

manner whatever, on any Highway, or shall make any drain, gutter, sink or watercourse across, under or upon, or shall turn or conduct any drain or water across, under or upon, or in any way break up the surface of any Highway, without the consent in writing of the Trustees of such Highway, or of their Surveyor, such person shall forfeit for every such offence a penalty not exceeding *Five Pounds*; and it shall be lawful for the Trustees of any such Highway to cause such dwelling-house or other building, hedge, ditch or fence, drain, sink, watercourse, gutter or other encroachment to be taken down or filled up at the expense of the person so offending.

And be it Enacted, That it shall be lawful for all such Trustees, where the parapet of any bridge, or any fence, milestone, direction post, or any erection, building, matter or thing belonging to the said Trustees, or used for the purposes of the trust under their management, shall be destroyed or injured, and the persons so offending cannot be discovered and convicted, to complain to the Sheriff or Justices of the Peace of the shire in which such damage shall have been committed, having previously given notice in writing of their intention of making such complaint on the church door of the parish in which the said damage shall have been committed for Two consecutive Sundays, and which complaint the said Sheriff or Justices shall hear in a summary way, and if they shall sustain the same, they are hereby empowered and required to assess the amount of such damage, and the expenses of process or proceedings upon the proprietors, occupiers and such other persons of the parish wherein such damage shall have been committed as aforesaid, as would if this Act had not been passed have been liable for the payment of the conversion money leviable for Statute Labour in the shire in which such parish is situated; which assessment shall be levied by the said Trustees upon the same persons, in the same proportions, with the same relief to landlords against tenants, and in the same manner as the said conversion money may be levied; and in the event of any fractional part of such assessment being less than a *Halfpenny*, the whole of such *Halfpenny* shall be leviable from the individual in whose assessment such fraction shall occur, and any surplus that may arise therefrom shall be applied to the repair of the Roads.

17.
Parishes shall
defray da-
mages to
Parapets, &c.

And be it Enacted, That if any person shall ride upon any footpath or causeway on or by the side of any Highway made or set apart for the use or accommodation of foot passengers, or shall lead or drive any horse, ass, mule, swine or cattle, or carriage of any description, or any wheelbarrow, truck or sledge, or any single wheel of any waggon, cart or carriage apart therefrom, upon any such footpath or causeway; or shall wilfully obstruct or do, or cause any injury or damage to be done to the same, or to the hedges, posts, rails or fences thereof;

18.
Penalty on
persons com-
mitting
Nuisances, &c.

thereof; or shall wilfully pull down or damage any bridge, wall or any building, fence or erection, made by the Trustees of any Highway, or repaired or repairable by them; or shall break, injure, remove or displace any tools, trestles, bars, stones, materials or other article whatsoever, belonging to such Trustees, or used on any such Road 5 under their authority; or shall haul or draw, or cause to be hauled or drawn, upon any part of any Highway, any timber, stone or other thing otherwise than upon a wheeled carriage, or shall suffer any timber, stone or other thing which shall be carried principally or in part upon a wheeled carriage to drag or trail upon such Road; or in 10 ploughing or harrowing any adjacent uninclosed land shall turn any horse, plough or harrow in or upon such Road or the side drains or ditches thereof; or shall, in or upon such Road, or by the side or sides thereof, or in any exposed situation near thereto, kill, slaughter, singe, scald, burn, dress or cut up any beast, swine, calf, 15 lamb or other cattle; or if any person driving any carriage, cart, horse or other beast on such Road, conveying any iron bar or rod, tree, wood, stone, basket or pannier, or any other matter or thing, except hay and straw, suffer the same to project by more than *Thirty* Inches from the side of such horse or other 20 beast, or more than *One Foot* laterally beyond the wheels of such carriage, or so as in any manner to obstruct or impede the passage of any person, or any horse, beast or carriage travelling along such Highway; or if any person shall carry any timber or other article above *Twenty-five* Feet long on any cart or carriage 25 not having more than Two wheels; or if any hawker, higgler, gipsy, or other person shall pitch any tent or encamp upon or by the sides of any part of any Highway; or if any person occupying or using a blacksmith's shop, foundery, smelting-house, iron or brass work, boiler-making work, glass-work, soda, soap, or 30 chemical work, shall not, by good and close shutters, every evening after it becomes twilight, or otherwise, bar and prevent the light from such shop shining into or upon such Road, and from being dangerous or detrimental to travellers; or if any person shall make or assist in making any fire or fires commonly called bonfires, or 35 shall set fire to, or let off or throw any squib, rocket, serpent or other firework whatsoever within *One hundred* Feet of the centre of such Road, or shall discharge any gun, pistol or other fire-arms, fly kites, or bait or run for the purpose of baiting any bull, or play at football, tennis, fives, cricket, or any other game or games upon 40 such Road or on the side or sides thereof, or in any exposed situation near thereto, to the annoyance of any passenger or passengers; or if any person shall leave any waggon, cart or other carriage whatever upon such Road or on the side or sides thereof, without any proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases

cases of accident for a longer time than may be necessary to remove the same, or shall not place such waggon or other carriage, during the time of loading or unloading the same, or of taking refreshments, as near to one side of such Road as conveniently may be, either with or
 5 without any horse or beast of draught harnessed or yoked thereto, or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish or other matter or thing whatsoever upon such Road or on the side or sides thereof, or the footpaths or causeways adjoining; or shall hang or lay any linen clothes or other such article on any hedge
 10 or fence of any such Road; or shall suffer any water, filth, dirt or other offensive matter or thing whatsoever to run or flow into or upon such Road or footpaths, from any house, building, erection, lands or premises adjacent thereto; or if any person driving any pigs or swine upon such Road shall suffer such pigs or swine to root up or damage
 15 such Road, or the fences, hedges, banks or copse on either side thereof respectively; or if any person shall, after having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, cause or suffer to be or remain on such Road the stone or other thing with which such cart or other carriage shall have been blocked or
 20 stopped; or if any person shall pull down, damage, injure or destroy any lamp or lamp-post, put up, erected or placed in or near the side of any Highway, or shall extinguish the light of any such lamp; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding *Fifty Shillings*,
 25 over and above the damages occasioned thereby.

And be it Enacted, That if the driver of any cart, waggon or other such carriage on any Highway shall ride on the shafts or in or on any other part of such carriage, without having and holding reins attached to each side of the bridle of each beast of draught drawing such cart
 30 or carriage, or shall at any time leave the same travelling on any such Road without having some person to guide the beast or beasts of draught drawing the same, or shall allow to go at large any dog that may be attending him, or his waggon, cart or other such carriage, or shall not chain or fasten the same to such waggon, cart or carriage;
 35 or if the driver of any sort of carriage shall not keep to the left or near side of such Road on meeting or on being overtaken by any other carriage or any rider, or shall wilfully prevent any other person passing him or his carriage, such driver shall for every such offence forfeit and pay a sum not exceeding *Five Pounds*, over and above the damages
 40 occasioned thereby.

19.
Regulation of
Drivers.

And be it Enacted, That if One person act as the driver of more than Two carts, waggons or other such carriages on any Highway, or if the hinder of Two carts, waggons or other such carriages, under the care of only one person, shall be drawn by more than One
 205. B horse,

20.
One driver
may take
charge of
Two Carts.

horse, or if the horse of such hinder cart, waggon or carriage shall not be attached by a rein to the back of the cart which shall be foremost, and follow in the same line therewith, the horse drawing such hinder cart not being permitted to be further from the foremost than *Six Feet*, the owner or driver of every such waggon, cart or other carriage shall 5
for each transgression in any of the points aforesaid forfeit and pay a sum not exceeding *Forty Shillings*.

21.
Children not
to drive Carts,
&c.

And be it Enacted, That no waggon or cart travelling on any Highway shall be driven by any person who shall not be of the full age of *Fourteen Years*, under a penalty for each such offence 10
not exceeding *Forty Shillings*, to be paid by the owner of such waggon or cart.

22.
Persons
opening up or
conveying
water across
the Roads or
Causeways
must repair
them.

And be it Enacted, That if the causeways and footpaths of any Highway, or any part of such Highway, shall be opened up by any person or persons, with leave of the said Trustees, or otherwise having 15
authority so to do, for the laying of pipes for water, gas, tunnels or railroads, or for any other purpose whatever, and the same shall not be immediately thereafter repaired, renewed and rendered completely sufficient and good by the person or persons opening up the same, to the satisfaction of the said Trustees or their Surveyor, then the said Trustees 20
or their Surveyor shall have full power, and they are hereby authorized to execute the necessary repairs on the part or parts of such Road or footpath so opened up, and to restore the same completely, and to charge the expense thereof against the person or persons opening up the same, which shall be ascertained by an account under the hands of the 25
said Trustees or a quorum of them, or of their Clerk or Surveyor; and if any damage shall happen to the public from the operations of the persons opening up the Road as aforesaid, such persons shall be solely liable for the same, and be obliged to relieve the said Trustees thereof, and of all expenses attending the same; and in all cases where any 30
injury shall arise to any Highway from any drain, conduit, pipe, water, matter or thing whatsoever being conveyed across, in, under or upon, or by any thing done upon any part of any such Road, by any person having leave or otherwise entitled so to do, and such injury shall not be immediately repaired to the satisfaction of the Trustees, they or 35
their Surveyor are hereby authorized to repair the same, and charge the expense thereof as aforesaid against the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept.

23.
Surveyors,
&c. not to
leave Nui-
sances on
Roads.

And be it Enacted, That if the surveyor of any Highway, or any 40
contractor or other person employed on such Road, shall lay on any part of any such Road any heap of stones or other materials for the repair thereof, and shall permit the same to remain longer than
necessary

necessary for the breaking and spreading of such materials; or shall lay on any such Road any matter or thing, or shall knowingly permit to remain on any part of any such Road any matter or thing which may endanger the safety of any passenger; or shall
 5 dig any pit or make any cut on any Highway, without sufficiently fencing the same; such person shall for every such offence forfeit and pay a sum not exceeding *Five Pounds*, over and above the damages occasioned thereby, and expenses; and it shall be lawful for any person travelling along any Highway to prosecute
 10 for such sum, damages and expenses in manner hereinafter provided: Provided always, That it shall be lawful for any such Surveyor, contractor or other person to have on any such Road, during daylight, any trestles or bars, in any such manner as the Trustees of such Road may judge necessary to prevent interruption of the work
 15 during the repairing of the Road, or to prevent carts or carriages from running in tracks injurious to the Road: Provided also, That such trestles or bars shall at all times be placed in such manner as not to be more inconvenient to passengers than may be necessary to prevent interruption to the work, or to prevent carts or carriages from
 20 running in tracks injurious to the Road.

And be it Enacted, That if the proprietor or occupier of any lands adjacent to any Highway shall dig any pit or make any cut upon or within Twelve Feet of the side of any such Road, and shall leave the same unfenced so as to be dangerous to travellers, and shall not fence
 25 the same when required so to do by any Two of the Trustees of such Road, or any Procurator Fiscal of the shire within which the said pit or cut is situated, such proprietor or occupier shall forfeit and pay a sum not exceeding *Five Pounds* for every day such pit or cut shall continue to be unfenced beyond *Three Days* after notice shall have
 30 been given as aforesaid, and it shall be lawful, after such notice, for the said Trustees or Procurator Fiscal to cause the same to be fenced at the expense of such proprietor or occupier.

24.
Proprietors to
fence pits
made near
the Roads.

And be it Enacted, That if any horse, cattle, ass, sheep, swine, or other beast of any kind shall be pastured, or left or permitted to
 35 remain, or found straying on any Highway, or the sides thereof (except on such parts of any Road as pass through or over any common or waste ground, or land not inclosed, or arable on both sides), the person so pasturing or leaving such beast, or permitting the same to remain, or the person having the charge of such beast, or the owner
 40 thereof if such person cannot be found, shall forfeit and pay a sum not exceeding *Five Shillings* for every such beast; and it shall be lawful for any Trustee of such Highway, or the Surveyor of such Trustees, or any other person authorized by them, *brevi manu*, to seize and detain the same until such penalty and the expenses of process and

25.
No Animal to
be pastured
on the Roads.

proceedings shall be paid ; and in case the said penalty and expenses shall not be paid within *Three Days* after notice of such detention shall be given at the parish church nearest to the place where such animal shall be found, the said Surveyor or other person shall sell the same, with the authority of the Sheriff or any Justice of the Peace for the shire, who are hereby empowered to grant such authority ; and after deducting the amount of the said penalty and expenses, such Surveyor or other person shall pay the surplus, if any, to the owner of such animal so detained. 5

26.
Side ridges to
be made in
uninclosed
lands.

And be it Enacted, That every person in ploughing any uninclosed land adjoining any Highway shall make side ridges along the sides of such Road of the breadth of *Twelve Feet* at the least, under a penalty not exceeding *Five Pounds*. 10

27.
Gates to open
inwards.

And be it Enacted, That no gate of any park, field or inclosure whatsoever shall be made to open into or towards any part of any Highway, or be suffered so to open, except the hanging post thereof shall be fixed or placed so far from the centre of any part of such Road as that no part of such gate shall, when open, project over any part of such Road, or of any footpath belonging thereto ; and the occupier of any park, field or inclosure having any gate opening outwards, contrary to the meaning of this Act, shall, within *Six Days* after notice to him or her given, either personally or in writing, from the Trustees of such Road, or their Surveyor, cause such gate to be hung so that no part of the gate, when open, shall project over any part of such Road, or of any footpath belonging thereto ; and if such occupier fail so to do, the Surveyor of any such Road shall cause the gate to be hung as hereinbefore directed, and charge the expense of making such alteration and hanging such gate against the said occupier, who shall, over and above such expense, forfeit and pay a further sum, not exceeding *Five Pounds*, for such neglect. 15 20 25 30

28.
Weeds to be
cut by Trustees.

And be it Enacted, That the Trustees of every Highway shall cut, or cause to be cut, all weeds growing on the same or the sides thereof, when inclosed, at a proper season of the year, in order to prevent such weeds coming into seed ; and if they fail so to do for *Eight Days* after being required by the proprietor or occupier of the adjoining land, by notice in writing given to their Clerk or Surveyor, such proprietor or occupier may cut the same, and charge the expense thereof against the said Trustees. 35

29.
Owners of
waggons, car-
riages, &c.
shall cause
their names
to be painted
thereon.

And be it Enacted, That the owner of every waggon or cart, and also of every coach, post-chaise, or other carriage, let either in the whole or in part to hire, shall paint in a straight line horizontally, upon some conspicuous part on the off or right side of his waggon or cart, 40

cart, and upon the panels of the doors of all such coaches, post-chaises or other carriages, before the same shall be used upon any Highway, the christian and surname and place of abode of such person, or the christian and surname and place of abode of the principal partner or owner thereof, in large legible Roman letters, either of a dark colour upon a light ground, or of a light colour on a dark ground, not less than *One Inch* in height, with numbers beginning with number One, where more of such carriages respectively than One shall belong to the same owner, and proceeding in regular progression, and shall continue the same thereupon as aforesaid, so long as such waggon, cart or other carriage shall be used upon any Highway ; and every owner of any such waggon, cart or other carriage using or allowing the same to be used upon any Highway without the names and descriptions painted thereon respectively as aforesaid, and every person driving the same, shall forfeit for every such offence a sum not exceeding *Forty Shillings* ; and every waggon or cart, and every such coach, post-chaise or other carriage let for hire without the name, surname and place of abode of the owner painted thereon as hereinbefore directed, or having the same or any part thereof covered or placed so as to be illegible, shall be liable to pay *Double Toll Duty* ; and every person driving any such waggon, cart or other carriage, who shall refuse to stop and permit the name to be read or uncovered by any person requiring him so to do, shall over and above forfeit for every such offence any sum not exceeding *Forty Shillings*.

And be it Enacted, That it shall be lawful for the Procurator Fiscal and for all such Trustees, or any person authorized by them, or for any one of their number, to prosecute for any expenses, penalty, forfeiture or fine imposed by this or any Act made for making or maintaining any Highway, Bridge or Ferry, and to recover the same before the Sheriff or the Justices of the Peace of the shire in which the same shall have become due or been incurred, or where the offender shall reside, subject to appeal in manner hereinafter mentioned ; and it shall be lawful for the said Trustees to allow the expenses of such prosecutions to be defrayed out of the funds of the Trust.

And be it Enacted, That all expenses, penalties, forfeitures and fines imposed by this or any such Act as aforesaid (excepting such penalties as are herein otherwise directed to be recovered and applied), shall, after hearing the party complained of, or on the non-appearance of such party after summons, on an induciæ of *Six Days*, personally, or at the dwelling-place of such party (of which the oath of One witness, or an execution of citation without witnesses, shall be sufficient evidence), upon proof of the fact before the Sheriff or Justices of the Peace for the shire in which the same shall have become due or been incurred, or where the offender shall reside, either by the confession of the party offending, or by the oath of any One credible witness, or other

205.

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competent

30.
Trustees may
prosecute be-
fore Sheriff
and Justices
at the expense
of the Trust.

31.
Proceedings
for recovering
penalties, &c.

competent evidence, be levied, together with the expenses of the prosecution and conviction, by poinding and sale of the goods and effects of the party offending, by warrant under the hand of such Sheriff or Justices (which warrant such Sheriff or Justices are hereby empowered to grant); and the surplus (if any), after deducting such expenses, penalties, forfeitures and fines, and the expenses of the proceedings and charges of such poinding and sale, shall be returned to the owner of such goods and effects; and in case the same shall not be forthwith paid upon conviction, then it shall be lawful for such Sheriff or Justices to order the offender so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of poinding, unless the offender shall give sufficient security, to the satisfaction of and to the amount fixed by such Sheriff or Justices, for his or her appearance before such Sheriff or Justices on such day as shall be appointed for the return of such warrant of poinding, which security the said Sheriff or Justices are hereby empowered to take by bond of caution or otherwise; but if upon the return of such warrant it shall appear that no sufficient goods and effects can be found, then it shall be lawful for the said Sheriff or Justices, in all cases where the penalties sought to be recovered shall exceed the sum of *Forty Shillings*, and they are hereby authorized and required, by warrant under their hand, to cause such offender to be committed to the common gaol or house of correction of the shire where the offender shall be or reside, there to remain for any time not exceeding *Four Months*, unless such expenses, penalties, forfeitures and fines, and the expenses of the proceedings, shall be sooner paid; and in all cases where the penalties awarded shall be less than the sum of *Forty Shillings*, the said Sheriff or Justices may, when no effects can be found as above, commit the offender to prison for any time not exceeding *Two Months*, unless the said penalties, fines and expenses shall be sooner paid; and the monies arising by such penalties, forfeitures and fines respectively, if not otherwise directed to be applied by this Act, or the Act under which the same shall have been incurred, or in so far as not directed by the Sheriff or Justices to be paid towards the expenses of the proceedings, shall be paid to the Trustees for making and maintaining the Roads, or to their Treasurer, and applied and disposed of for the purposes of such Roads.

32.
Summary
process.

And be it Enacted, That it shall be lawful for the Sheriff or any One Justice before whom any complaint for the recovery of any such expenses, penalties, forfeitures or fines may be brought, to proceed, if such Sheriff or Justice, duly considering the nature of the case, shall think fit, and not otherwise, in a summary way, and to grant warrant for bringing the parties complained upon before him for examination; and after hearing parties on confession or probation by the oath of any credible witness, or other competent evidence,

evidence, to proceed to determine thereon without any written pleadings or record of evidence, and to grant warrant for levying the said penalties by poinding and sale ; and in the case of a return of no effects, or in case it shall appear to the satisfaction of such Sheriff or
 5 Justice that no sufficient effects can be found, for commitment of the offender as above enacted ; but in all such cases a record shall be preserved of the charge and of the judgment pronounced.

And be it Enacted, That if any person shall be summoned as a witness to give evidence before any Sheriff or before any Justice
 10 of the Peace touching any matter contained in any Act relating to Highways, Bridges or Ferries, or in this Act, either on the part of the prosecutor or the person accused, and shall refuse or neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for such refusal or neglect, then such person shall forfeit for
 15 every such offence any sum not exceeding *Five Pounds*, and it shall be no objection to any witness that such witness shall have appeared without citation, or without having been regularly cited.

33.
Attendance
of Witnesses.

AND whereas offences may be committed against this Act or other Acts for making and maintaining Highways, Bridges or Ferries by
 20 persons unknown to the Surveyors or other officers ; BE it therefore Enacted, That it shall be lawful for any of the Trustees of any Highway, or any of their Clerks, or their Surveyors, or other officers respectively, and such other person as any of them shall call to their assistance, or for any person seeing any offence committed against
 25 this or any such Act, without any warrant or other authority than this Act, *brevi manu*, to seize and detain any unknown person who shall commit any such offence, and take such person without delay before the Sheriff or any neighbouring Justice of the Peace for the shire where the offence shall have been committed, or where such offender
 30 shall be seized and apprehended, who shall forthwith examine and discharge or commit such person till caution *de judicio sisti* be found, or shall proceed in the summary way above directed, as the case may seem to require.

34.
For securing
transient
Offenders.

And be it Enacted, That any person who shall think himself or
 35 herself aggrieved by any judgment or proceedings of any Justice or Justices of the Peace in the execution of this Act, for which no particular relief has been hereby provided, may, within *Three Months* after such judgment or proceedings, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions, the appellant giving
 40 *Fifteen Days'* previous notice of such appeal to the opposite party, and to the Clerk of the said Trustees, and the Clerk of the Justices of the Peace, and finding caution to pay the expenses of such appeal ; and where by this Act the adjudging of any penalty, forfei-
 205. c 3 ture,

35.
Appeal.

Judgment of
Sheriff or

Quarter Sessions to be final.

ture or fine, or the determining the amount of any payment, damages or expenses, or any other matter, is committed to any Justice or Justices of the Peace, or to the Sheriff, or to the Justices of the Peace assembled in their Quarter Sessions, originally or by appeal, all judgments, determinations and proceedings of such Justice or Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final and conclusive, and shall not be subject to review by advocacy or suspension or by reduction, or by any process of law or court whatsoever; any law or usage to the contrary notwithstanding.

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36.
Warrants, &c. may be enforced in any other County.

And be it Enacted, That all warrants, interlocutors, judgments and sentences of Sheriffs and Justices, issued or pronounced under the authority of this Act, may be enforced against the person or effects of any party or witness in any other county, as well as in the county where the same are issued or pronounced: Provided always, That such warrants, interlocutors, judgments and sentences shall be indorsed by the Sheriff or a Justice of the Peace of such other county; and such indorsation shall be sufficient authority to the Constables or Sheriff's Officers of the original county or of such other county to put the same to execution within such other county.

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37.
Existing causes not to be affected hereby, nor the powers of Sheriffs.

And be it Enacted, That all civil causes and prosecutions for penalties, forfeitures and fines commenced before the passing of this Act, on account of any matter concerning any Highway, Bridge or Ferry, shall be carried on and concluded in the same manner as if this Act had not been passed; and nothing contained herein or in any local Act shall render it incompetent for any Sheriff to hear and determine any civil causes or prosecutions for penalties, forfeitures and fines on account of any of the matters hereinbefore or in any local Act enacted, according to the provisions of an Act passed in the seventh year of King WILLIAM the Fourth, and in the first year of Queen VICTORIA, intituled, "An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in Scotland."

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7 W. 4, and
1 Vict., c. 41.

38.
Prosecutions to be brought within Six Months.

And be it Enacted, That all civil causes, petitions, complaints and processes whatsoever, and prosecutions or proceedings for expenses, penalties, forfeitures and fines imposed by this Act or any local Act, or for any damages incurred, or any wrongs done, or injuries suffered in any matter thereto relating, or for any thing done in pursuance of any of the powers by this or any such Act given and granted, shall be commenced within *Six* calendar Months after the penalty, forfeiture, fine or damage shall have been incurred, or wrong done, or injury suffered, or fact committed, and not afterwards.

35

40

Statute Labour (Scotland).

A

B I L L

For amending the Laws concerning Highways, Bridges and Ferries in Scotland, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money.

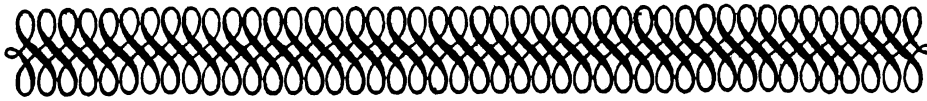
(*Prepared and brought in by
Mr. Home Drummond and Mr. Mackenzie.*)

*Ordered, by The House of Commons, to be Printed,
10 April 1845.*

205.

Under 3 oz.

26 May 1845.—8 VICT.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

For amending the Laws concerning Highways, Bridges and Ferries in Scotland, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money.

[N.B.—*The Clauses marked (A.) to (D.) were added by the Committee.*]

W ~~H~~ ~~E~~ ~~R~~ ~~E~~ ~~A~~ ~~S~~ it has been found by experience that the laws Preamble.
concerning Highways, Bridges and Ferries in Scotland, and
concerning the Statute Service for making and repairing them, and
the conversion thereof in money, may be amended in various parti-
5 culars :

And whereas it is expedient that further regulations should be made
concerning the said Highways, Bridges and Ferries, and that the
system of managing them should be rendered more uniform ;

W ~~E~~ ~~C~~ ~~I~~ ~~T~~ ~~H~~ ~~E~~ ~~R~~ ~~E~~ ~~F~~ ~~O~~ ~~R~~ ~~E~~ ~~N~~ ~~A~~ ~~C~~ ~~T~~ ~~E~~ ~~D~~, by The QUEEN's most Excellent
10 MAJESTY, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, THAT from and after the passing
of this Act, all the enactments, provisions, matters and things in this
Act contained shall extend to all Highways, Bridges and Ferries in
15 Scotland, to which Statute Service, or the conversion thereof in money,
or any assessment in lieu of such conversion, is or shall be applied,
and to all Acts of Parliament now in force or which shall hereafter
be passed affecting such Highways, Bridges or Ferries in Scotland,
saving and excepting such enactments, provisions, matters and things
20 as shall be expressly varied, altered or repealed by any Act that shall
be hereafter passed.

1.
This Act to
apply to all
Statute Ser-
vice Roads,
&c.

And be it Enacted, That Justices of the Peace authorized to act
in the execution of any Act of Parliament for making and repairing
321. 2.
Trustees to
include Jus-
tices, &c.
Highways,

A

Highways, Bridges and Ferries in Scotland by Statute Service, or the conversion thereof in money, shall be held in this Act to be included under the description of Trustees.

3.
Regulation of
Meetings.

And be it Enacted, That all Trustees acting in the execution of this or any Act of Parliament for making and repairing Highways, Bridges and Ferries in Scotland by Statute Service, or the conversion thereof in money, or assessment in lieu of such conversion, shall at all their meetings pay their own expenses, and shall in the first place appoint a Preses at every meeting, who in case of an equal number of votes, including his own, shall have the casting vote; and no order or determination at any such meeting once made or agreed upon shall be revoked or altered at any subsequent meeting, unless notice of the intention to propose such revocation or alteration shall have been given at a previous meeting, and entered in the minutes of such meeting, and transmitted by post to every Trustee not present at such previous meeting, who shall have been present at the meeting where such order or determination was made, and such notice shall also be published by Two several advertisements in some newspaper usually circulated in the county or district of the county where the Road or Roads or the principal part thereof shall be, Ten Days at least previous to such subsequent meeting; and it shall be lawful for any Two Trustees as aforesaid at any time to call or require their Clerk to call a meeting: Provided always, That notice of such meeting and of the purpose thereof shall be published by Two advertisements as aforesaid.

4.
Officers to be
appointed and
Security to be
taken.

And be it Enacted, That all such Trustees may and are hereby authorized to appoint Clerks, Collectors, Treasurers, Superintendents, Surveyors and other officers, with reasonable allowances for their trouble, and to take such security from any of them for their intromissions, and for the faithful discharge of their duty, as may be deemed expedient; and no person acting as such Trustee, Clerk, Collector, Treasurer, Superintendent, Surveyor or other officer, shall directly or indirectly have or hold any share or interest in any contract for making or repairing any of the said Highways, Bridges or Ferries, under a penalty of Twenty Pounds.

5.
Trustees may
pursue and be
pursued in
the name of
their Clerk,
&c.

And be it Enacted, That all such Trustees may pursue and be pursued in the name of their Clerk or Treasurer for the time being; and no action or process shall cease by the death or removal of such Clerk or Treasurer, but shall be continued in the name of the Clerk or Treasurer for the time.

6.
Books of
Minutes and
Accounts to
be kept and
audited.

And be it Enacted, That all such Trustees shall cause a book or books to be kept, in which shall be entered all the minutes of their orders and proceedings, as also true and regular accounts of all service performed, and of all money received and expended on account of

of the Highways, Bridges and Ferries under their charge, specifying the sums applied to ordinary repairs, and to improvements of each Highway, Bridge and Ferry, and to management and expenses, and the sums due and not recovered, as also the amount of debt and interest thereof; and such accounts for the year current at the passing of this Act shall be made up in each county or district of a county, and shall be audited and signed by Two of the said Trustees, or by their Preses, if more than Two be present, within a year after the passing of this Act, and the accounts so made up, audited and signed, shall include all transactions preceding the period of One Month before the time at which they are so signed; and similar accounts shall be annually thereafter made up to the same day in each year, and shall in like manner be audited and signed within One Month from the time to which they are so made up; and after the first year from and after the passing of this Act it shall not be lawful for any person whatsoever to act in any way in the collection of another year's conversion until such accounts shall have been made up, audited and signed, as above directed.

And be it Enacted, That any person having performed service, or paid the conversion in money or assessment for the past or current year, may see and take a copy of the said accounts, or any part thereof, on paying One Shilling to the Clerk for each time of inspection; and an abstract of such accounts shall be printed and published annually in at least One newspaper usually circulated in the county or district where the road or roads, or principal part thereof, shall be, within One Month after the said accounts are audited and signed as aforesaid; and any Clerk neglecting to make up or refusing or not permitting inspection of such accounts as aforesaid, or failing to print and publish the abstract thereof as aforesaid, shall forfeit and pay a sum not exceeding Five Pounds to any such person, who shall prosecute for the same, with the expenses of process or proceedings.

7.
Permission to
inspect Ac-
counts.

And be it Enacted, That it shall not be lawful to commence any legal process or proceeding for the recovery of any sum due or leivable as conversion of Statute Service, or assessment in lieu of such conversion, for making or maintaining any Highway, Bridge or Ferry, after Six Months from the time when the said sum shall have become leivable, and in all cases previous demand shall be made Thirty Days before commencing such process or proceeding.

8.
Proceedings
for recovery of
conversion to
commence
within Six
Months.

And be it Enacted, That it shall be competent to recover any sum under One hundred Pounds Scots, due or leivable as aforesaid for making or repairing any Highway, Bridge or Ferry, according to the provisions of an Act passed in the seventh year of King WILLIAM the Fourth, and in the first year of Queen VICTORIA, intituled, "An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts

9.
CLAUSE (A.)
Mode of reco-
vering conver-
sion Money.

7 Will. 4 and
1 Vict. c. 41.

for the Trial of Small Debt Causes by the Sheriffs in Scotland," any thing to the contrary in any local Act notwithstanding: Provided always, That nothing herein contained shall in any way alter or affect any enactment or provision in any local Act relative to warrants for poinding for the purpose aforesaid, or any proceeding consequent thereon, saving and excepting that it shall not be competent after the passing of this Act to imprison any person for non-performance of statute labour, or non-payment of the conversion thereof, or assessment in lieu of such conversion. 5

10.
No person
liable to work
or pay who
does not pos-
sess lands,
&c. valued at
£.2 yearly.

And be it Enacted, That from and after this present year One thousand eight hundred and Forty-five, it shall not be lawful to require any person, not being the proprietor or occupier of lands, buildings or other heritable subjects of the yearly value of Two Pounds or more, to work or perform Statute Service on any Highway, Bridge or Ferry, or to exact or levy money from any such person as conversion of Statute Service or otherwise, for making or maintaining any Highway, Bridge or Ferry; and all warrants for poinding or imprisonment, and other legal proceedings whatsoever against any such person as aforesaid on account of non-performance of such work or service, or non-payment of such money or conversion, are hereby prohibited and discharged, saving and excepting such proceedings as shall have been commenced before the last day of December One thousand eight hundred and Forty-five, which, notwithstanding anything herein contained, may be continued and carried on in all respects as if this Act had not been passed. 10 15 20 25

11.
CLAUSE (B.)
Power to
exempt per-
sons who do
not possess
lands, &c.
valued above
£. 5.

And be it Enacted, That it shall and may be lawful for all such Trustees, at a general meeting assembled, from time to time to fix and determine any amount of yearly value of lauds, buildings and other heritable subjects not under Two Pounds and not above Five Pounds, to the proprietors and occupiers of which such Trustees shall think fit to extend the said exemption in any county or district of a county; and it shall not thereafter be lawful to require any person, not being the proprietor or occupier of lands, buildings or other heritable subjects of a yearly value above the amount so fixed, to work or perform Statute Service on any Highway, Bridge or Ferry, or to exact or levy money from any such person as conversion of Statute Service or otherwise for making or maintaining any Highway, Bridge or Ferry. 30 35

12.
CLAUSE (C.)
Proprietors in
certain cases
to be assessed
instead of Te-
nants.

And be it Enacted, That in all cases in which, by authority of any local Act now in force, money, as conversion of Statute Service, or assessment in lieu thereof, is authorized to be assessed on Lands, Buildings, or other heritable subjects, and is payable in whole or in part by the occupiers or tenants of such lands, buildings, or other heritable subjects, it shall and may be lawful to assess upon and recover from the proprietor of any such lands, buildings or other heritable subjects such money or part thereof as the trustees appointed 40

appointed by such local Act may think proper, so payable by any occupier or tenant thereof, who is not occupier or tenant, or proprietor of lands, buildings, or heritable subjects of the yearly value in the whole of Two Pounds: Provided always, That if all the lands, buildings, or other heritable subjects belonging to such proprietor, shall not be of the yearly value of Two Pounds, no part of such money shall be assessed upon or recovered from such proprietor; but it shall and may be lawful to include the sum which but for this Act would have been assessed upon such lands, buildings or other heritable subjects, in the sum to be assessed on the other assessable lands, buildings or heritable subjects, and that notwithstanding the rate of assessment should be thereby raised above the maximum amount authorized by such Local Act; and such additional sum shall be levied and applied in the same manner as the money might have been levied and applied in lieu of which the said additional sum is assessed.

And be it Enacted, That all life-renters and wadsetters shall be deemed and held to be proprietors for all the purposes of this Act; and that where any house has been or shall be built by any tenant under a building lease, such tenant and his heirs and assignees, shall, for the purposes of this Act, be deemed and taken to be proprietor of such house.

13.
CLAUSE (D.)
Wadsetters,
&c. to be held
Proprietors.

And be it Enacted, That it shall be lawful for all such Trustees or any person authorized by them, to search for, dig and carry away materials for making or repairing any Highway, Bridge or Ferry, or for building, making or repairing any work connected therewith from any common land, open uncultivated land, or waste, or to deposit mud or rubbish thereon, without paying any surface damages, or any thing for such materials, except for stone to be used for building, and to carry the same through the ground of any person, such Trustees or other persons authorized by them filling up the pits or quarries, levelling the ground wherefrom such materials shall be taken, or fencing off such pits or quarries so that the same shall not be dangerous to any person or cattle, and paying for or tendering the damage done by going through and over any inclosed or arable lands for or with such materials, mud or rubbish, such damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for such Trustees and other persons authorized by them as aforesaid to search for, dig and carry away any such materials in or out of the inclosed land of any person where the same may be found, and to land or carry the same through or over the ground of any person (such materials not being required for the private use of the owner or occupier of such land, and such land or ground not being an orchard, garden, lawn, policy, nursery for trees, planted walk or avenue to any house, nor inclosed ground planted as an ornament or shelter to a house, unless where materials have been previously in use to be taken by the said Trustees), making or tender-

14.
Power to get
materials.

Satisfaction.

Notice to be
given before
materials are
taken from
inclosed lands.

ing such satisfaction for stones to be used for building, and for the surface damage done to the lands from whence such materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such Trustees shall judge reasonable ; and in case such Trustees and the proprietor or occupier of such lands shall differ as to the amount of such payments and damages as aforesaid, it shall be competent to the Sheriff or Justices of the Peace for the shire wherein the place from whence such materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the application of either party, with induciæ of Six Days, to hear and determine all questions as to the amount of such payments and damages, and the expenses attending the same : Provided always, That before taking such materials from any inclosed land from which the same shall not previously have been in use to be taken, Fourteen Days' previous notice in writing, signed by Two Trustees, shall be given to or left at the usual residence of the proprietor and occupier of the land or quarry from which it is intended to take the same, or his or her known agent, to appear before the Sheriff or any Two Justices of the Peace acting for the shire where the said lands are situate, to show cause why such materials shall not be so taken ; and in case such proprietor, occupier or agent shall attend pursuant to such notice, or shall neglect or refuse to appear (proof on oath in such case being duly made of the service of such notice), such Sheriff or Justices shall authorize or prohibit the Trustees to take such materials, or make such order as they shall think fit.

15.
Penalty on
taking away
materials pro-
vided for
repairing
Highways,
Bridges or
Ferries.

And be it Enacted, That it shall not be lawful for any person to take away any materials which shall have been procured or provided or used for making or repairing any Highway, Bridge or Ferry, or to take any materials out of any quarry which shall have been opened by any such Trustees for the purpose of getting materials, so as to interrupt or interfere with the workings carried on by such Trustees ; and every person so offending shall for every such offence forfeit and pay any sum not exceeding Five Pounds.

16.
Power to use
adjoining
ground as a
temporary
Road.

And be it Enacted, That it shall be lawful for all such Trustees to make a Road through the grounds adjoining to any ruinous or narrow part of any Highway (not being an orchard, garden, lawn, policy, planted walk or avenue to any house, or nursery for trees), to be made use of as a public Highway whilst the old road is repairing or widening, making recompense to the proprietor and occupier of such grounds for the damages they may thereby sustain ; and in case such Trustees and such proprietor or occupier shall differ as to the amount of such damages, it shall be competent to the Sheriff or Justices of the Peace for the shire where such damages or any part thereof shall have been incurred, on the application of either party, with an induciæ of Six Days, to hear and determine all questions as to the amount of such damages, and the expenses attending the same.

And

And be it Enacted, That it shall be lawful for all such Trustees to make sufficient side drains on any Highway, with power to conduct the water therefrom into any adjoining land, ditch or watercourse, (such land not being the site of any house or garden), in such manner as shall be least injurious to the proprietor or occupier of such land; the said side drains to be maintained at the expense of the Trustees.

17.
Trustees to
make Side
Drains.

And be it Enacted, That it shall be lawful for all such Trustees to make sufficient ditches along the side of any Highway, provided that if the land is inclosed on the side of such Highway such ditch shall be made on the field side of the fence, and also to make proper ditches and outlets from the said side ditches through any lands adjoining any such Highway (not being the site of any house or garden), in such manner as shall be least injurious to the proprietor and occupier of such land; and the occupier of such land (unless such land be uninclosed and waste) shall be obliged in all time thereafter to keep clear such side ditches and other ditches or outlets, as well as all such ditches already made along the sides of any Highway, when so required by the said Trustees or their Surveyor; and in case the proprietor or occupier shall neglect or refuse to cleanse such side ditches or other ditches or outlets, when duly required by such Trustees or Surveyors, such Trustees or Surveyors are hereby empowered to cleanse such side ditches or other ditches or outlets, and levy the expense thereof from the occupier of such grounds: Provided always, That nothing herein contained shall prohibit any proprietor or occupier from substituting, to the satisfaction of the Trustees, any other equally effectual ditch or outlet in place of that constructed by the Trustees.

18.
Trustees to
make Ditches.

And be it Enacted, That it shall be lawful for any such Trustee or Surveyor of any Highway, or other person authorized by the said Trustees, brevi manu, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever, laid or left upon any such Road or footpath, or on any side drain or ditch of such Road, and to sell or otherwise dispose of the same as a forfeiture, in such manner as the Trustees shall direct, unless such matter or thing shall be previously redeemed by the owner thereof, by payment of the penalty in such case enacted: Provided always, That the proprietor or occupier of any lands or houses may lay down any materials for building or repairing any house or wall immediately adjoining any Highway, such materials occupying One-fourth part of such Road only, and such proprietor or occupier giving Three Days' previous notice in writing to the Clerk or Surveyor of the Road, and erecting such fence round such materials, and fixing and lighting lamps thereon, in such manner as the Trustees may require.

19.
Timber,
Stones, &c.
left on Roads
may be
seized.

20.
Penalties on
persons mak-
ing Encroach-
ments.

And be it Enacted, That if any person shall fill up or obstruct any ditch at the side of any Highway, or any ditch used for conveying water from the said Road, or any side drain thereof, or ditch or drain under the same, or shall encroach by making any dwelling-house or other building, or any hedge, ditch or other fence, or in any other manner whatever, on any Highway, or shall make any drain, gutter, sink or watercourse across, under or upon, or shall turn or conduct any drain or water across, under or upon, or in any way break up the surface of any Highway, without the consent in writing of the Trustees of such Highway, or of their Surveyor, such person shall forfeit for every such offence a penalty not exceeding Five Pounds; and it shall be lawful for the Trustees of any such Highway to cause such dwelling-house or other building, hedge, ditch or fence, drain, sink, watercourse, gutter or other encroachment to be taken down or filled up at the expense of the person so offending.

21.
Parishes shall
defray da-
mages to
Parapets, &c.

And be it Enacted, That it shall be lawful for all such Trustees, where the parapet of any bridge, or any fence, milestone, direction post, or any erection, building, matter or thing belonging to the said Trustees, or used for the purposes of the trust under their management, shall be destroyed or injured, and the persons so offending cannot be discovered and convicted, to complain to the Sheriff or Justices of the Peace of the shire in which such damage shall have been committed, having previously given notice in writing of their intention of making such complaint on the church door of the parish in which the said damage shall have been committed for Two consecutive Sundays, and which complaint the said Sheriff or Justices shall hear in a summary way, and if they shall sustain the same, they are hereby empowered and required to assess the amount of such damage, and the expenses of process or proceedings upon the proprietors, occupiers and such other persons of the parish wherein such damage shall have been committed as aforesaid, as would if this Act had not been passed have been liable for the payment of the conversion money leviable for Statute Labour in the shire in which such parish is situated; which assessment shall be levied by the said Trustees upon the same persons, in the same proportions, with the same relief to landlords against tenants, and in the same manner as the said conversion money may be levied; and in the event of any fractional part of such assessment being less than a Halfpenny, the whole of such Halfpenny shall be leviable from the individual in whose assessment such fraction shall occur, and any surplus that may arise therefrom shall be applied to the repair of the Roads.

22.
Penalty on
persons com-
mitting
Nuisances, &c.

And be it Enacted, That if any person shall ride upon any footpath or causeway on or by the side of any Highway made or set apart for the use or accommodation of foot passengers, or shall lead or drive any

any horse, ass, mule, swine or cattle, or carriage of any description, or any wheelbarrow, truck or sledge, or any single wheel of any waggon, cart or carriage apart therefrom, upon any such footpath or causeway; or shall wilfully obstruct or do, or cause any injury or damage to be done to the same, or to the hedges, posts, rails or fences thereof; or shall wilfully pull down or damage any bridge, wall or any building, fence or erection, made by the Trustees of any Highway, or repaired or repairable by them; or shall break, injure, remove or displace any tools, trestles, bars, stones, materials or other article whatsoever, belonging to such Trustees, or used on any such Road under their authority; or shall haul or draw, or cause to be hauled or drawn, upon any part of any Highway, any timber, stone or other thing otherwise than upon a wheeled carriage, or shall suffer any timber, stone or other thing which shall be carried principally or in part upon a wheeled carriage to drag or trail upon such Road; or in ploughing or harrowing any adjacent uninclosed land shall turn any horse, plough or harrow in or upon such Road or the side drains or ditches thereof; or shall, in or upon such Road, or by the side or sides thereof, or in any exposed situation near thereto, kill, slaughter, singe, scald, burn, dress or cut up any beast, swine, calf, lamb or other cattle; or if any person driving any carriage, cart, horse or other beast on such Road, conveying any iron bar or rod, tree, wood, stone, basket or pannier, or any other matter or thing, except hay and straw, suffer the same to project by more than Thirty Inches from the side of such horse or other beast, or more than One Foot laterally beyond the wheels of such carriage, or so as in any manner to obstruct or impede the passage of any person, or any horse, beast or carriage travelling along such Highway; or if any person shall carry any timber or other article above Twenty-five Feet long on any cart or carriage not having more than Two wheels; or if any hawker, higgler, gipsy, or other person shall pitch any tent or encamp upon or by the sides of any part of any Highway; or if any person occupying or using a blacksmith's shop, foundery, smelting-house, iron or brass work, boiler-making work, glass-work, soda, soap, or chemical work, shall not, by good and close shutters, every evening after it becomes twilight, or otherwise, bar and prevent the light from such shop shining into or upon such Road, and from being dangerous or detrimental to travellers; or if any person shall make or assist in making any fire or fires commonly called bonfires, or shall set fire to, or let off or throw any squib, rocket, serpent or other firework whatsoever within One hundred Feet of the centre of such Road, or shall discharge any gun, pistol or other fire-arms, fly kites, or bait or run for the purpose of baiting any bull, or play at football, tennis, fives, cricket, or any other game or games upon such Road or on the side or sides thereof, or in any exposed situation

near thereto, to the annoyance of any passenger or passengers ; or if any person shall leave any waggon, cart or other carriage whatever upon such Road or on the side or sides thereof, without any proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such waggon or other carriage, during the time of loading or unloading the same, or of taking refreshments, as near to one side of such Road as conveniently may be, either with or without any horse or beast of draught harnessed or yoked thereto, or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish or other matter or thing whatsoever upon such Road or on the side or sides thereof, or the footpaths or causeways adjoining ; or shall hang or lay any linen clothes or other such article on any hedge or fence of any such Road ; or shall suffer any water, filth, dirt or other offensive matter or thing whatsoever to run or flow into or upon such Road or footpaths, from any house, building, erection, lands or premises adjacent thereto ; or if any person driving any pigs or swine upon such Road shall suffer such pigs or swine to root up or damage such Road, or the fences, hedges, banks or copse on either side thereof respectively ; or if any person shall, after having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, cause or suffer to be or remain on such Road the stone or other thing with which such cart or other carriage shall have been blocked or stopped ; or if any person shall pull down, damage, injure or destroy any lamp or lamp-post, put up, erected or placed in or near the side of any Highway, or shall extinguish the light of any such lamp ; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding Fifty Shillings, over and above the damages occasioned thereby.

23.
Regulation of
Drivers.

And be it Enacted, That if the driver of any cart, waggon or other such carriage on any Highway shall ride on the shafts or in or on any other part of such carriage, without having and holding reins attached to each side of the bridle of each beast of draught drawing such cart or carriage, or shall at any time leave the same travelling on any such Road without having some person to guide the beast or beasts of draught drawing the same, or shall allow to go at large any dog that may be attending him, or his waggon, cart or other such carriage, or shall not chain or fasten the same to such waggon, cart or carriage ; or if the driver of any sort of carriage shall not keep to the left or near side of such Road on meeting or on being overtaken by any other carriage or any rider, or shall wilfully prevent any other person passing him or his carriage, such driver shall for every such offence forfeit and pay a sum not exceeding Five Pounds, over and above the damages occasioned thereby.

And

And be it Enacted, That if One person act as the driver of more than Two carts, waggons or other such carriages on any Highway, or if the hinder of Two carts, waggons or other such carriages, under the care of only one person, shall be drawn by more than One horse, or if the horse of such hinder cart, waggon or carriage shall not be attached by a rein to the back of the cart which shall be foremost, and follow in the same line therewith, the horse drawing such hinder cart not being permitted to be further from the foremost than Six Feet, the owner or driver of every such waggon, cart or other carriage shall for each transgression in any of the points aforesaid forfeit and pay a sum not exceeding Forty Shillings.

24.
One driver
may take
charge of
Two Carts.

And be it Enacted, That no waggon or cart travelling on any Highway shall be driven by any person who shall not be of the full age of Fourteen Years, under a penalty for each such offence not exceeding Forty Shillings, to be paid by the owner of such waggon or cart.

25.
Children not
to drive Carts,
&c.

And be it Enacted, That if the causeways and footpaths of any Highway, or any part of such Highway, shall be opened up by any person or persons, with leave of the said Trustees, or otherwise having authority so to do, for the laying of pipes for water, gas, tunnels or railroads, or for any other purpose whatever, and the same shall not be immediately thereafter repaired, renewed and rendered completely sufficient and good by the person or persons opening up the same, to the satisfaction of the said Trustees or their Surveyor, then the said Trustees or their Surveyor shall have full power, and they are hereby authorized to execute the necessary repairs on the part or parts of such Road or footpath so opened up, and to restore the same completely, and to charge the expense thereof against the person or persons opening up the same, which shall be ascertained by an account under the hands of the said Trustees or a quorum of them, or of their Clerk or Surveyor ; and if any damage shall happen to the public from the operations of the persons opening up the Road as aforesaid, such persons shall be solely liable for the same, and be obliged to relieve the said Trustees thereof, and of all expenses attending the same ; and in all cases where any injury shall arise to any Highway from any drain, conduit, pipe, water, matter or thing whatsoever being conveyed across, in, under or upon, or by any thing done upon any part of any such Road, by any person having leave or otherwise entitled so to do, and such injury shall not be immediately repaired to the satisfaction of the Trustees, they or their Surveyor are hereby authorized to repair the same, and charge the expense thereof as aforesaid against the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept.

26.
Persons
opening up or
conveying
water across
the Roads or
Causeways
must repair
them.

27.
Surveyors,
&c. not to
leave Nuis-
ances on
Roads.

And be it Enacted, That if the surveyor of any Highway, or any contractor or other person employed on such Road, shall lay on any part of any such Road any heap of stones or other materials for the repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such materials; or shall lay on any such Road any matter or thing, or shall knowingly permit to remain on any part of any such Road any matter or thing which may endanger the safety of any passenger; or shall dig any pit or make any cut on any Highway, without sufficiently fencing the same; such person shall for every such offence forfeit and pay a sum not exceeding Five Pounds, over and above the damages occasioned thereby, and expenses; and it shall be lawful for any person travelling along any Highway to prosecute for such sum, damages and expenses in manner hereinafter provided: Provided always, That it shall be lawful for any such Surveyor, contractor or other person to have on any such Road, during daylight, any trestles or bars, in any such manner as the Trustees of such Road may judge necessary to prevent interruption of the work during the repairing of the Road, or to prevent carts or carriages from running in tracks injurious to the Road: Provided also, That such trestles or bars shall at all times be placed in such manner as not to be more inconvenient to passengers than may be necessary to prevent interruption to the work, or to prevent carts or carriages from running in tracks injurious to the Road.

28.
Proprietors to
fence Pits
made near
the Roads.

And be it Enacted, That if the proprietor or occupier of any lands adjacent to any Highway shall dig any pit or make any cut upon or within Twelve Feet of the side of any such Road, and shall leave the same unfenced so as to be dangerous to travellers, and shall not fence the same when required so to do by any Two of the Trustees of such Road, or any Procurator Fiscal of the shire within which the said pit or cut is situated, such proprietor or occupier shall forfeit and pay a sum not exceeding Five Pounds for every day such pit or cut shall continue to be unfenced beyond Three Days after notice shall have been given as aforesaid, and it shall be lawful, after such notice, for the said Trustees or Procurator Fiscal to cause the same to be fenced at the expense of such proprietor or occupier.

29.
No Animal to
be pastured
on the Roads.

And be it Enacted, That if any horse, cattle, ass, sheep, swine, or other beast of any kind shall be pastured, or left or permitted to remain, or found straying on any Highway, or the sides thereof (except on such parts of any Road as pass through or over any common or waste ground, or land not inclosed, unless it be arable on one side), the person so pasturing or leaving such beast, or permitting the same to remain, or the person having the charge of such beast, or the owner thereof if such person cannot be found, shall forfeit and pay a sum not exceeding

exceeding Five Shillings for every such beast ; and it shall be lawful for any Trustee of such Highway, or the Surveyor of such Trustees, or any other person authorized by them, *brevi manu*, to seize and detain the same until such penalty and the expenses of process and proceedings shall be paid ; and in case the said penalty and expenses shall not be paid within Three Days after notice of such detention shall be given at the parish church nearest to the place where such animal shall be found, the said Surveyor or other person shall sell the same, with the authority of the Sheriff or any Justice of the Peace for the shire, who are hereby empowered to grant such authority ; and after deducting the amount of the said penalty and expenses, such Surveyor or other person shall pay the surplus, if any, to the owner of such animal so detained.

And be it Enacted, That every person in ploughing any uninclosed land adjoining any Highway shall make side ridges along the sides of such Road of the breadth of Twelve Feet at the least, under a penalty not exceeding Five Pounds.

30.
Side ridges to
be made in
uninclosed
lands.

And be it Enacted, That no gate of any park, field or inclosure whatsoever shall be made to open into or towards any part of any Highway, or be suffered so to open, except the hanging post thereof shall be fixed or placed so far from the centre of any part of such Road as that no part of such gate shall, when open, project over any part of such Road, or of any footpath belonging thereto ; and the occupier of any park, field or inclosure having any gate opening outwards, contrary to the meaning of this Act, shall, within Six Days after notice to him or her given, either personally or in writing, from the Trustees of such Road, or their Surveyor, cause such gate to be hung so that no part of the gate, when open, shall project over any part of such Road, or of any footpath belonging thereto ; and if such occupier fail so to do, the Surveyor of any such Road shall cause the gate to be hung as hereinbefore directed, and charge the expense of making such alteration and hanging such gate against the said occupier, who shall, over and above such expense, forfeit and pay a further sum, not exceeding Five Pounds, for such neglect.

31.
Gates to open
inwards.

And be it Enacted, That the Trustees of every Highway shall cut, or cause to be cut, all weeds growing on the same or the sides thereof, when inclosed, at a proper season of the year, in order to prevent such weeds coming into seed ; and if they fail so to do for Eight Days after being required by the proprietor or occupier of the adjoining land, by notice in writing given to their Clerk or Surveyor, such proprietor or occupier may cut the same, and charge the expense thereof against the said Trustees.

32.
Weeds to be
cut by Trus-
tees.

33.
Owners of
waggons, cár-
riages, &c.
shall cause
their names
to be painted
thereon.

And be it Enacted, That the owner of every waggon or cart, and also of every coach, post-chaise, or other carriage, let either in the whole or in part to hire, shall paint in a straight line horizontally, upon some conspicuous part on the off or right side of his waggon or cart, and upon the panels of the doors of all such coaches, post-
chaises or other carriages, before the same shall be used upon any Highway, the christian and surname and place of abode of such person, or the christian and surname and place of abode of the principal partner or owner thereof, in large legible Roman letters, either of a dark colour upon a light ground, or of a light colour on a dark ground, not less than One Inch in height, with numbers beginning with number One, where more of such carriages respectively than One shall belong to the same owner, and proceeding in regular progression, and shall continue the same thereupon as aforesaid, so long as such waggon, cart or other carriage shall be used upon any Highway ; and every owner of any such waggon, cart or other carriage using or allowing the same to be used upon any Highway without the names and descriptions painted thereon respectively as aforesaid, and every person driving the same, shall forfeit for every such offence a sum not exceeding Forty Shillings ; and every waggon or cart, and every such coach, post-chaise or other carriage let for hire without the name, surname and place of abode of the owner painted thereon as hereinbefore directed, or having the same or any part thereof covered or placed so as to be illegible, shall be liable to pay Double Toll Duty ; and every person driving any such waggon, cart or other carriage, who shall refuse to stop and permit the name to be read or uncovered by any person requiring him so to do, shall over and above forfeit for every such offence any sum not exceeding Forty Shillings.

34.
Trustees may
prosecute be-
fore Sheriff
and Justices
at the expense
of the Trust.

And be it Enacted, That it shall be lawful for the Procurator Fiscal and for all such Trustees, or any person authorized by them, or for any one of their number, to prosecute for any expenses, penalty, forfeiture or fine imposed by this or any Act made for making or maintaining any Highway, Bridge or Ferry, and to recover the same before the Sheriff or the Justices of the Peace of the shire in which the same shall have become due or been incurred, or where the offender shall reside, subject to appeal in manner hereinafter mentioned ; and it shall be lawful for the said Trustees to allow the expenses of such prosecutions to be defrayed out of the funds of the Trust.

35.
Proceedings
for recovering
penalties, &c.

And be it Enacted, That all expenses, penalties, forfeitures and fines imposed by this or any such Act as aforesaid (excepting such penalties as are herein otherwise directed to be recovered and applied), shall, after hearing the party complained of, or on the non-appearance of such party after summons, on an induciæ of Six Days, personally, or at the dwelling-place of such party (of which the oath of One witness, or

or an execution of citation without witnesses, shall be sufficient evidence), upon proof of the fact before the Sheriff or Justices of the Peace for the shire in which the same shall have become due or been incurred, or where the offender shall reside, either by the confession of the party offending, or by the oath of any One credible witness, or other competent evidence, be levied, together with the expenses of the prosecution and conviction, by pinding and sale of the goods and effects of the party offending, by warrant under the hand of such Sheriff or Justices (which warrant such Sheriff or Justices are hereby empowered to grant); and the surplus (if any), after deducting such expenses, penalties, forfeitures and fines, and the expenses of the proceedings and charges of such pinding and sale, shall be returned to the owner of such goods and effects; and in case the same shall not be forthwith paid upon conviction, then it shall be lawful for such Sheriff or Justices to order the offender so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of pinding, unless the offender shall give sufficient security, to the satisfaction of and to the amount fixed by such Sheriff or Justices, for his or her appearance before such Sheriff or Justices on such day as shall be appointed for the return of such warrant of pinding, which security the said Sheriff or Justices are hereby empowered to take by bond of caution or otherwise; but if upon the return of such warrant it shall appear that no sufficient goods and effects can be found, then it shall be lawful for the said Sheriff or Justices, in all cases where the penalties sought to be recovered shall exceed the sum of Forty Shillings, and they are hereby authorized and required, by warrant under their hand, to cause such offender to be committed to the common gaol or house of correction of the shire where the offender shall be or reside, there to remain for any time not exceeding Four Months, unless such expenses, penalties, forfeitures and fines, and the expenses of the proceedings, shall be sooner paid; and in all cases where the penalties awarded shall be less than the sum of Forty Shillings, the said Sheriff or Justices may, when no effects can be found as above, commit the offender to prison for any time not exceeding Two Months, unless the said penalties, fines and expenses shall be sooner paid; and the monies arising by such penalties, forfeitures and fines respectively, if not otherwise directed to be applied by this Act, or the Act under which the same shall have been incurred, or in so far as not directed by the Sheriff or Justices to be paid towards the expenses of the proceedings, shall be paid to the Trustees for making and maintaining the Roads, or to their Treasurer, and applied and disposed of for the purposes of such Roads.

And be it Enacted, That it shall be lawful for the Sheriff or any One Justice before whom any complaint for the recovery of any such expenses, penalties, forfeitures or fines may be brought,

321.

c 3

36.
Summary
process.

to

to proceed, if such Sheriff or Justice, duly considering the nature of the case, shall think fit, and not otherwise, in a summary way, and to grant warrant for bringing the parties complained upon before him for examination; and after hearing parties on confession or probation by the oath of any credible witness, or other competent evidence, to proceed to determine thereon without any written pleadings or record of evidence, and to grant warrant for levying the said penalties by poinding and sale; and in the case of a return of no effects, or in case it shall appear to the satisfaction of such Sheriff or Justice that no sufficient effects can be found, for commitment of the offender as above enacted; but in all such cases a record shall be preserved of the charge and of the judgment pronounced.

37.
Attendance
of Witnesses.

And be it Enacted, That if any person shall be summoned as a witness to give evidence before any Sheriff or before any Justice of the Peace touching any matter contained in any Act relating to Highways, Bridges or Ferries, or in this Act, either on the part of the prosecutor or the person accused, and shall refuse or neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for such refusal or neglect, then such person shall forfeit for every such offence any sum not exceeding Five Pounds, and it shall be no objection to any witness that such witness shall have appeared without citation, or without having been regularly cited.

38.
For securing
transient
Offenders.

AND whereas offences may be committed against this Act or other Acts for making and maintaining Highways, Bridges or Ferries by persons unknown to the Surveyors or other officers; BE it therefore Enacted, That it shall be lawful for any of the Trustees of any Highway, or any of their Clerks, or their Surveyors, or other officers respectively, and such other person as any of them shall call to their assistance, or for any person seeing any offence committed against this or any such Act, without any warrant or other authority than this Act, brevi manu, to seize and detain any unknown person who shall commit any such offence, and take such person without delay before the Sheriff or any neighbouring Justice of the Peace for the shire where the offence shall have been committed, or where such offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such person till caution de judicio sisti be found, or shall proceed in the summary way above directed, as the case may seem to require.

39.
Appeal.

And be it Enacted, That any person who shall think himself or herself aggrieved by any judgment or proceedings of any Justice or Justices of the Peace in the execution of this Act, for which no particular relief has been hereby provided, may, within Three Months after such judgment or proceedings, but not afterwards, appeal to the Justices

Justices of the Peace at the Quarter Sessions, the appellant giving Fifteen Days' previous notice of such appeal to the opposite party, and to the Clerk of the said Trustees, and the Clerk of the Justices of the Peace, and finding caution to pay the expenses of such
 5 appeal; and where by this Act the adjudging of any penalty, forfeiture or fine, or the determining the amount of any payment, damages or expenses, or any other matter, is committed to any Justice or Justices of the Peace, or to the Sheriff, or to the Justices of the Peace assembled in their Quarter Sessions, originally or by appeal, all judg-
 10 ments, determinations and proceedings of such Justice or Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final and conclusive, and shall not be subject to review by advocacy or suspension or by reduction, or by any process of law or court whatsoever; any law or usage to the contrary notwithstanding.

Judgment of Sheriff or Quarter Sessions to be final.

And be it Enacted, That all warrants, interlocutors, judgments and sentences of Sheriffs and Justices, issued or pronounced under the authority of this Act, may be enforced against the person or effects of any party or witness in any other county, as well as in the county
 20 where the same are issued or pronounced: Provided always, That such warrants, interlocutors, judgments and sentences shall be indorsed by the Sheriff or a Justice of the Peace of such other county; and such indorsation shall be sufficient authority to the Constables or Sheriff's Officers of the original county or of such other county to put
 25 the same to execution within such other county.

40. Warrants, &c. may be enforced in any other County.

And be it Enacted, That all civil causes and prosecutions for penalties, forfeitures and fines commenced before the passing of this Act, on account of any matter concerning any Highway, Bridge or Ferry, shall be carried on and concluded in the same manner as if this Act had not
 30 been passed; and nothing contained herein or in any local Act shall render it incompetent for any Sheriff to hear and determine any civil causes or prosecutions for penalties, forfeitures and fines on account of any of the matters hereinbefore or in any local Act enacted, according to the provisions of an Act passed in the seventh year of King WIL-
 35 LIAM the Fourth, and in the first year of Queen VICTORIA, intituled, "An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in Scotland."

41. Existing causes not to be affected hereby, nor the powers of Sheriffs.

7 W. 4, and 1 Vict., c. 41.

And be it Enacted, That all civil causes, petitions, complaints and
 40 processes whatsoever, and prosecutions or proceedings for expenses, penalties, forfeitures and fines imposed by this Act or any local Act, or for any damages incurred, or any wrongs done, or injuries suffered in any matter thereto relating, or for any thing done in pursuance of any of the powers by this or any such Act given and granted, shall be com-
 321. c 4 menced

42. Prosecutions to be brought within Six Months.

menced within Six calendar Months after the penalty, forfeiture, fine or damage shall have been incurred, or wrong done, or injury suffered, or fact committed, and not afterwards : Provided always, That nothing in this clause contained shall apply to or affect in any way what is above enacted concerning processes and proceedings for the recovery 5 of any sum due or leviable as the conversion of Statute Service, and the expenses thereof.

Statute Labour (Scotland).

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For amending the Laws concerning Highways, Bridges and Ferries in Scotland, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money.

(*Prepared and brought in by
Mr. Home Drummond and Mr. MacKenzie.*)

*Ordered, by The House of Commons, to be Printed,
26 May 1845.*

321.

Under 3 oz.

11 July 1845.—9 VICT.



A

B I L L

To continue the Exemption of Inhabitants of Parishes, Townships and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ an Act was passed in the fourth year of the reign of Her Majesty, intituled, “An Act to exempt until the Thirty-first day of December One thousand eight hundred and Forty-one, Inhabitants of Parishes, Townships and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor :” And whereas the said Act hath been since continued by sundry Acts until the First day of October in the year One thousand eight hundred and Forty-five, and if Parliament be then sitting, to the end of the then Session of Parliament ;
5 and it is expedient that the said Act be further continued ; ~~Be it~~
10 ~~Enacted~~, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the first-mentioned Act shall continue in force
15 until the *First day of October in the year One thousand eight hundred and Forty-six, and if Parliament be then sitting, to the End of the then Session of Parliament.*

Preamble :
3 & 4 Vict.
c. 89.

1.
Recited Act
continued.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

2.
Act may be
amended.

Stock in Trade.

A

B I L L

To continue the Exemption of Inhabitants of Parishes, Townships and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

(*Prepared and brought in by
Mr. Manners Sutton and Mr. Cardwell.*)

*Ordered, by The House of Commons, to be Printed,
11 July 1845.*



2 A

B I L L

For granting to Her Majesty, for a Term to be limited, certain
Duties on Sugar imported into the United Kingdom.

[Note.—The Words and Figures printed in *Italics* are proposed to
be inserted in the Committee.]

MOST GRACIOUS SOVEREIGN,

W^e, Your MAJESTY's most dutiful and loyal Subjects, the Com-
mons of the United Kingdom of Great Britain and Ireland,
in Parliament assembled, towards raising the necessary Supplies to
defray Your MAJESTY's public Expenses, have freely and voluntarily
5 resolved to give and grant unto Your MAJESTY the Duties hereinafter
mentioned ; and therefore

Preamble.

DO most humbly beseech Your MAJESTY,

That it may be Enacted ; ~~And be it Enacted~~, by The QUEEN's
most Excellent MAJESTY, by and with the Advice and Consent of the
10 Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, THAT from and
after the *Fourteenth* day of *March One thousand eight hundred and*
Forty-five, the Duties imposed on Sugar and Molasses by an Act
passed in the Session of Parliament holden in the seventh and eighth
15 years of the reign of Her present Majesty, intituled, " An Act for
granting to Her Majesty, until the Fifth day of July One thousand
eight hundred and Forty-five, certain Duties on Sugar imported into
the United Kingdom, for the Service of the Year One thousand eight
hundred and Forty-four," shall cease and be no longer payable ; and
that from and after the said *Fourteenth* day of *March* until the *Fifth*
day

1.
Duties im-
posed by
7 & 8 Vict.,
c. 28, re-
pealed.

Duties im-
posed in lieu
thereof.

day of *July One thousand eight hundred and Forty-six*, in lieu thereof, there shall be charged the Duties of Customs following ; (that is to say)

On Sugar and Molasses, the growth and produce of any British Possession in America, or of any British Possession within the limits of the East India Company's Charter, into which the importation of Foreign Sugar is prohibited and imported from thence, the Duties following ; (that is to say) 5

Double Refined Sugar, or Sugar equal in quality to	£.	s.	d.	
Double Refined, for every hundred weight	-	-	1	1 -
Other Refined Sugar	-	-	18	8 10
White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being Refined, for every hundred weight	-	-	16	4
Brown Sugar, being Muscovado or Clayed, or any other Sugar not being equal in quality to White Clayed, for every hundred weight	-	-	14	- 15
Candy, Brown, for every hundred weight	-	-	1	6 -
—— White, for every hundred weight	-	-	1	15 -
Molasses, for every hundred weight	-	-	5	3

On Sugar, the growth and produce of any other British Possession within the limits of the East India Company's Charter, the Duties following ; (that is to say) 20

White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being Refined, for every hundred weight	-	-	1	1 9 25
Brown Sugar, being Muscovado or Clayed, or any other Sugar not being equal in quality to White Clayed, for every hundred weight	-	-	18	8

On Sugar, the growth and produce of China, Java or Manilla, or of any foreign country, the Sugars of which Her Majesty in Council shall have declared, or may hereafter declare, to be admissible as not being the produce of slave labour, and which shall be imported into the United Kingdom either from the country of its growth or from some British Possession, having first been imported into such British Possession from the country of its growth, the Duties following ; (that is to say) 30 35

White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being Refined, for every hundred weight	-	-	1	8 -
Brown Sugar, being Muscovado or Clayed, or any other Sugar not being equal in quality to White Clayed, for every hundred weight	-	-	1	3 4 40

On all other Sugars and Molasses, not otherwise charged with Duty, the Duties following ; (that is to say)

Refined Sugar, for every hundred weight	-	-	8	8 - 45
Brown or Muscovado or Clayed Sugar, not being Refined, for every hundred weight	-	-	3	3 -
Molasses				

	£.	s.	d.
Molasses, for every hundred weight - - -	1	3	9
Candy, Brown, for every hundred weight - - -	5	12	-
Candy, White, for every hundred weight - - -	8	8	-

And so in proportion for any greater or less quantity than a hundred
5 weight.

And be it Enacted, That it shall and may be lawful for Her Majesty, and She is hereby empowered from time to time, by any Order or Orders in Council, to declare, with respect to any foreign country or countries, that it having appeared to Her Majesty, upon sufficient
10 evidence, that the Sugars of such country or countries are not the produce of slave labour, such Sugars shall (from and after a day to be named in such Order) be deemed and taken not to be the produce of slave labour; and from and after the day so to be named in such Order, the Brown, Muscovado or Clayed Sugar (not being Refined) of
15 the country or countries mentioned in such Order, shall be admissible to entry for home consumption at the said respective Duties of *One Pound Eight Shillings* or of *One Pound Three Shillings and Four-pence* per hundred weight respectively, in like manner as Sugars the growth and produce of China, Java or Manilla.

2.
Power to Her Majesty, by Order in Council, to declare the Sugars of other Countries to be admissible as not being the Produce of Slave Labour.

And be it Enacted, That no Sugar shall be admissible to entry for home consumption at the said Duties of *One Pound Eight Shillings* or *One Pound Three Shillings and Four-pence* per hundred weight respectively, unless the master of the Ship importing the same shall have delivered to the Collector or Comptroller at the port of import-
25 tion such Certificate or Certificates as hereinafter are mentioned, nor unless such master shall also make and subscribe a Declaration before such Collector or Comptroller, that such Certificate or Certificates was or were received by him at the place where such Sugar was taken on board, and that the Sugar so imported is the same as is
30 mentioned therein.

3.
Certificates and Declarations required.

And be it Enacted, That in case such Sugar shall be imported from China, Java or Manilla, or from any other of the countries named in such Order in Council as hereinbefore is mentioned, the Certificate so to be given to the Collector or Comptroller at the port of importation shall be under the hand and seal of the British Consul, Vice-Consul,
35 Consular Agent or other officer appointed in that behalf by Her Majesty, at the place where such Sugar was taken on board, and shall certify that a Declaration in writing had been made and signed before such Consul, Vice-Consul, Consular Agent or other officer, by
40 the shipper of such Sugar, that the same was really and bonâ fide the growth of the country in which the same was so taken on board, and shall also certify that such Consul, Vice-Consul, Consular Agent or other officer had examined the contents of such Declaration, and believed the same to be true.

4.
Certificate required in respect of Sugar from China, &c.

5.
Certificate
required in
respect of
such Sugar,
if imported
from British
Possessions
Abroad.

And be it Enacted, That in case such Sugar shall be imported from any British Possession abroad, the master of the Vessel importing the same shall deliver to the Collector or Comptroller at the port of importation, firstly, a Certificate under the hand and seal of the principal Officer of Customs, at the place where the same was taken on board, certifying that a Declaration in writing had been made and signed before such principal Officer by the shipper of such Sugar, that the same was really and bonâ fide the growth of China, Java or Manilla, or of some other of the countries named in such Order in Council as hereinbefore is mentioned, and had been imported thence into such British Possession abroad as aforesaid, and also certifying that such principal Officer of Customs had examined the contents of such Declaration, and believed the same to be true; secondly, a Certificate under the hand and seal of the British Consul, Vice-Consul, Consular Agent or other officer appointed in that behalf by Her Majesty (if any such there be), at the place whence such Sugar shall have been imported into such British Possession abroad, certifying that a Declaration in writing had been made and signed before such Consul, Vice-Consul, Consular Agent or other officer, by the shipper of such Sugar from such place, that the same was really and bonâ fide the produce of the country from whence the same shall have been so imported into such British Possession abroad, and also certifying that such Consul, Vice-Consul, Consular Agent or other officer had examined the contents of such Declaration, and believed the same to be true: Provided always, That in case such Sugar shall be imported into the United Kingdom from any British Possession abroad, being part of the Territories of the East India Company, the Certificate and Declaration hereby required to be given and received by the principal Officer of Customs may be respectively given and received by any officer appointed for that purpose by the respective Governments of such Territories.

6.
Power to Her
Majesty, by
Order in
Council, to
declare the
Sugars of
Countries
with which
Her Majesty
has Treaties
of Reciprocity
as to Duties,
to be admis-
sible at 28s.
and 23s. 4d.
per cwt.
respectively.

And be it Enacted, That with regard to Sugar the growth of any foreign country, between which country and Her Majesty there is now subsisting any Treaty or Convention binding Her Majesty to grant to such country, either conditionally or unconditionally, the privileges of the most favoured nation, or to permit, either conditionally or unconditionally, the produce of such country to be imported into the United Kingdom at the same Duties as are imposed upon the like produce of any other country, it shall be lawful for Her Majesty, and She is hereby empowered from time to time, by any Order or Orders in Council, to declare that from and after a day to be named in such Order, Brown, Muscovado or Clayed Sugars (not being Refined) the growth of such country, in case such Treaty shall continue to subsist, shall, if imported from such country, or from any British Possession abroad, having been imported into such British Possession from such country,

country, be admitted to entry for consumption in the United Kingdom at the aforesaid respective rates of Duty of *One Pound Eight Shillings* and *One Pound Three Shillings and Four-pence* per hundred weight respectively, in like manner as Sugars the growth and produce of
 5 China, Java or Manilla ; and from and after the day so to be named in such Order, the Sugars therein mentioned shall, if so imported as aforesaid, be so admitted accordingly, subject nevertheless to the production of the like Certificates and the making of the like Declaration as are hereinbefore required with respect to Sugars the growth of
 10 China, Java or Manilla.

And be it Enacted, That in case the privileges granted by any Treaty to any foreign country, in respect of which any Order in Council shall be issued under the enactment lastly hereinbefore contained, shall have been granted conditionally, such Order shall expressly declare
 15 that such foreign country hath duly fulfilled the said conditions, and is entitled to the said privilege.

7.
 If such Treaty be conditional, Order in Council to state fulfilment of condition.

Provided always, and be it Enacted, That if at any time satisfactory proof shall have been laid before Her Majesty in Council, that, as respects any British Possession within the limits of the East India
 20 Company's Charter, the importation of Foreign Sugar has been prohibited, it shall and may be lawful for Her Majesty, and She is hereby empowered from time to time, by any Order or Orders in Council, to declare that Sugar and Molasses the growth or produce of any such British Possession, may be imported from thence into the United
 25 Kingdom, and entered at the lower rates of Duty hereinbefore imposed on Sugar and Molasses the growth or produce of British Possessions within the limits of the East India Company's Charter, in which the importation of Foreign Sugar is prohibited ; and from and after the publication of such Order, whilst the same shall continue in force,
 30 the Sugars and Molasses therein mentioned may be so imported and entered accordingly.

8.
 Her Majesty may, by Order in Council, allow the importation of Sugar from the British Possessions within the East India Company's Charter, in which the importation of Foreign Sugar is prohibited, at the lower Rates of Duty.

Provided always, and be it Enacted, That any Sugars or Molasses the produce of any British Possession within the limits of the East India Company's Charter, in which the importation of Foreign Sugar
 35 is or shall be prohibited, which shall be entered for Home use, at the lower rates of Duty hereinbefore imposed on Sugar and Molasses the produce of such Possessions, shall be entered in the same and the like manner and under the same or the like conditions in and under which Sugar the growth of the Presidency of Bengal might be entered for
 40 Home use, under the provisions of an Act passed in the Session of Parliament holden in the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, intituled, " An Act for granting to his Majesty, until the Fifth day of July One thousand

9.
 Sugar and Molasses, the produce of the British Possessions within the Limits of the East India Company's Charter, in which the importation of Foreign Sugars is prohibited, are to be entered at the lower rates of Duty, upon the conditions on which Bengal Sugar was ad-

missible at
the low Duty
under 6 & 7
Will. 4, c. 26.

eight hundred and Thirty-seven, certain Duties on Sugar imported into the United Kingdom for the Service of the Year One thousand eight hundred and Thirty-six," at the lower rate of Duty therein mentioned.

10.
Bounties on
certain de-
scriptions of
Refined
Sugar.
3 & 4 Will. 4,
c. 58.

1 & 2 Vict.
c. 33.

7 & 8 Vict.,
c. 28.

And be it Enacted, That the respective Bounties now payable on the exportation of certain descriptions of Refined Sugar from the United Kingdom, by an Act passed in the Session of Parliament holden in the third and fourth years of the reign of his said late Majesty, intituled, " An Act to grant certain Bounties and Allowances of Customs ;" and also by an Act passed in the Session of Parliament holden in the first and second years of the reign of Her present Majesty, intituled, " An Act for granting to Her Majesty, until the Fifth day of July One thousand eight hundred and Thirty-nine, certain Duties on Sugar imported into the United Kingdom for the Service of the Year One thousand eight hundred and Thirty-eight ;" and by the said Act passed in the Session of Parliament holden in the seventh and eighth years of the reign of Her present Majesty, shall, from and after the *Fourteenth* day of *March One thousand eight hundred and Forty-five*, cease and determine ; and that in lieu thereof, there shall be paid and allowed the following Bounties ; (that is to say)

	£.	s.	d.
Upon Double Refined Sugar, or Sugar equal in quality to Double Refined, for every hundred weight - - -	1	-	-
Upon other Refined Sugar in loaf, complete and whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform whiteness throughout, or such Sugar pounded, crashed or broken, for every hundred weight - - - -	-	17	-
Upon Bastard or Refined Sugar, broken in pieces or being ground, or powdered Sugar pounded or crashed or broken, for every hundred weight - - - -	-	14	-

11.
Collection
of Duties.

And be it Enacted, That the several Duties, Bounties and Allowances by this Act imposed and allowed, shall be under the management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed and applied, or appropriated under the provisions of an Act passed in the third and fourth years of the reign of his late Majesty King WILLIAM the Fourth, intituled, " An Act for granting Duties of Customs," and of another Act passed in the same year, intituled, " An Act to grant certain Bounties and Allowances of Customs," and of any other Act or Acts in force relating to the Customs.

12.
Commis-
sioners of
Customs to
provide

And be it Enacted, That the Commissioners of Customs shall forthwith provide samples of White Clayed Sugar and of Sugar rendered by

by any process equal in quality to White Clayed Sugar, with reference to colour, grain and saccharine matter, which samples shall be deemed to be standard samples, for the purpose of comparing therewith such White Clayed Sugar or Sugar rendered by any process equal in
 5 quality to White Clayed Sugar, as from and after the *Fourteenth* day of *March One thousand eight hundred and Forty-five*, may be entered for Home Consumption; and such standard samples shall from time to time be renewed whenever the said Commissioners may deem it expedient; and no Sugar shall, as regards the payment of Duty, be deemed
 10 or taken to be White Clayed Sugar, or Sugar rendered by any process equal in, quality to White Clayed, unless it shall, with reference to colour, grain and saccharine matter, equal the standard samples so respectively provided by the said Commissioners.

standard
Samples of
White
Clayed, &c.
Sugar.

And be it Enacted, That from and after the *passing of this Act*,
 15 all Sugars taken out of warehouse for Home use shall be charged with Duty, according to the quantities ascertained at the time of the first entry and landing of the same, without any abatement on account of deficiency, any thing in any Act to the contrary notwithstanding.

13.
Sugars taken
out of Ware-
house to be
charged with
Duty, accord-
ing to Quan-
tities, at the
time of first
entry.

And be it Enacted, That it shall be lawful for Her Majesty, by an
 20 Order in Council, from time to time to revoke or alter any Order in Council previously made under the authority of this Act.

14.
Order in
Council may
be revoked.

And be it Enacted, That every Order in Council to be made under the authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the London
 25 Gazette.

15.
Order in
Council to be
published.

And be it Enacted, That a copy of every Order of Her Majesty in Council made under the authority of this Act shall be laid before both Houses of Parliament within *Six Weeks* after issuing the same, if Parliament be then sitting, and if not, then within *Six Weeks* after
 30 the commencement of the then next Session of Parliament.

16.
Copies of
Order in
Council to be
laid before
Parliament.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

17.
Act may be
amended this
Session.

Sugar Duties.

A

B I L L

For granting to Her Majesty, for a Term to be limited, certain Duties on Sugar imported into the United Kingdom.

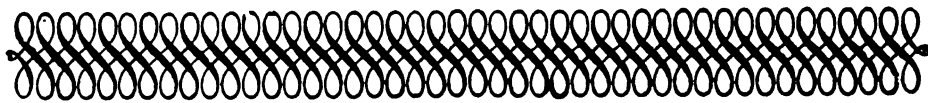
(Prepared and brought in by
Mr. Greene, Mr. Chancellor of the Exchequer,
and Mr. Cardwell.)

Ordered, by The House of Commons, to be Printed,
11 March 1845.

110.

Under 1 ox.

8 April 1845.—8 VICT.



A

B I L L

To repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HER~~ ~~CEAS~~ by an Act passed in the first year of the reign of Her present Majesty, intituled, “An Act to impose certain Duties of Excise on Sugar made from Beet Root, in the United Kingdom,” a Duty of Excise of One Pound Four Shillings was imposed on every Hundred-weight of Sugar manufactured in the United Kingdom from Beet Root: And whereas by another Act passed in the third and fourth years of the reign of Her said Majesty, intituled, “An Act to impose Duties of Excise on Sugar manufactured in the United Kingdom,” the same amount of Duty as was by law payable on Sugar manufactured from Beet Root was imposed upon all Sugar manufactured in the United Kingdom, from whatever materials made: And whereas it is expedient to repeal the said Duties, and to impose other Duties in lieu thereof; ~~BE it Enacted~~, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, the Duties aforesaid shall cease and be no longer paid or payable, save and except in all cases relating to the suing for, levying and recovering of any arrear thereof, or any fine, penalty or forfeiture which has been incurred before the passing of this Act.

Preamble:
7 W. 4, c.
1 Vict., c. 57.

3 & 4 Vict.
c. 57.

1.
Repeal of the
Excise Duty
on Sugar.

And be it Enacted, That in lieu of the Duties by this Act repealed, there shall be raised, levied, collected and paid the Duty of Excise following;

2.
New Excise
Duty on
Sugar of
14s. per cwt.

following ; (that is to say) for and upon every Hundred-weight of Sugar manufactured in the United Kingdom, from whatever materials made, and so in proportion for any greater or lesser quantity than a Hundred-weight, the sum of *Fourteen* Shillings.

3.
New Duty to
be raised and
levied in the
same manner
as former
Duties.

And be it Enacted, That the said Duties by this Act imposed shall be under the management of the Commissioners of Excise, and the same shall be charged, raised, levied, collected and recovered, applied and accounted for under the enactments and provisions of the said first-recited Act, and in such and the like manner, and in and by the same means, ways or methods by which any other Duties of Excise are or may be charged, raised, levied, collected and recovered, applied and accounted for ; and the said first-recited Act, and all and every other Act or Acts relating to the Duties of Excise, and all and every fine, pain, penalty and forfeiture of any nature or kind whatsoever for any offence against or in breach of the said first-recited Act or any other Act or Acts for securing the Duties of Excise, or for the regulation thereof, in force immediately before the passing of this Act, and the several clauses, powers and directions therein contained, shall and the same are hereby respectively directed and declared to extend to and shall be applied, practised and put in execution for and in respect of the Duties of Excise by this Act imposed, in as full and ample a manner as if all and every the said Act and Acts, clauses, provisions, powers, directions, fines, pains, penalties and forfeitures were repeated and re-enacted in this Act.

4.
Act may be
altered.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Sugar (Excise Duties).

A

B I L L

To repeal the Duties of Excise on Sugar
manufactured in the United Kingdom, and
to impose other Duties in lieu thereof.

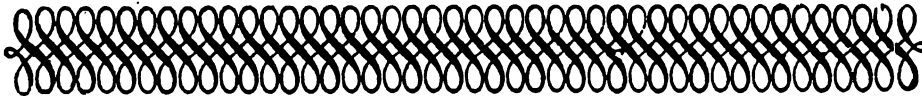
(Prepared and brought in by
*Mr. Greene, Mr. Chancellor of the Exchequer
and Mr. Cardwell.*)

*Ordered, by The House of Commons, to be Printed,
8 April 1845.*

197.

Under 1 oz.

10 July 1845.—9 VICT.



(Ireland.)

A

B I L L

For the Appointment of a Taxing Master for the High Court
of Chancery in Ireland.

[Note.—The Words and Clauses printed in *Italics* are proposed to
be inserted in the Committee.]

WH **H**EREBY it is expedient to appoint a new Officer for the
Taxation of Costs in the High Court of Chancery in Ire-
land; **B**E it therefore **E**nacted, by The QUEEN's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords Spiritual
5 and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, THAT from and after the *First*
day of November One thousand eight hundred and Forty-five, the taxing
of costs in the High Court of Chancery in Ireland shall be conducted
by an Officer to be denominated "The Taxing Master," who shall
10 hold his office during his good behaviour, and shall discharge his duties
in person, except where otherwise provided by this Act, and may be
removed from his office by the Lord Chancellor of Ireland for miscon-
duct; and the business to be transacted by such Taxing Master shall
be the taxing of costs as aforesaid, and also such other business (if any)
15 connected with the Court of Chancery in Ireland as the Lord Chan-
cellor, with the advice and consent of the Master of the Rolls in Ire-
land for the time being shall from time to time by any order direct;
and the places, times and manner in which the same shall be con-
ducted shall be such as the Lord Chancellor shall from time to time
20 by any order direct; and from and after the commencement of this
Act no such costs shall be taxed by any other Officer or person
whomsoever.

Preamble.

1.
The Taxation of
Costs in the Court
of Chancery in Ire-
land to be con-
ducted by One Tax-
ing Master.

Tenure of Office.
Duties to be dis-
charged in Person.
Removal.

General provision as
to Business.

2.
First Taxing
Master.

And be it Enacted, That the Lord Chancellor shall have power to
appoint some fit and competent person to be the first Taxing Master

485.

A

under

Filling up Vacancies
in the Office.

under this Act; and that as often as the said Taxing Master so to be appointed, or any of his successors, shall die or resign, or be removed from his office, the Lord Chancellor shall have power to appoint a Taxing Master in the room of the Taxing Master who shall so die, resign or be removed.

5

3.
Appointment of
Deputy in case of
absence.

And be it Enacted, That in case of absence from illness, or other reasonable cause, it shall be lawful for any Taxing Master under this Act to appoint a Deputy, such Deputy, and also the occasion for such appointment, being first approved by the Lord Chancellor; and that in case any Taxing Master under this Act, being absent as aforesaid, shall neglect to appoint such Deputy, or to renew the appointment of a Deputy, the Lord Chancellor may appoint a Deputy, and every Deputy to be appointed as aforesaid shall have all the powers and authorities of his principal, and shall be paid such sum out of the salary of his principal as the Lord Chancellor shall direct.

15

4.
Such Taxing Master
may administer
Oaths and take
Affirmations.

And be it Enacted, That it shall be lawful for every such Taxing Master under this Act to administer the oaths and take the affirmations and attestations of honour which he may from time to time be required to administer and take by any order made by the Lord Chancellor, with the advice and consent of the Master of the Rolls for the time being.

20

5.
Persons swearing
before such Taxing
Master to be subject
to Penalties for
Perjury.

And be it Enacted, That all persons swearing, affirming or attesting before any Taxing Master under this Act shall be liable to all such penalties, punishments and consequences for any wilful and corrupt false swearing or perjury as if the matters sworn, affirmed or attested had been sworn, affirmed or attested before the High Court of Chancery, or any of the Masters in Ordinary thereof.

25

6.
Power to Taxing
Master to appoint
and remove Clerks
and fill up Vacancies.

And be it Enacted, That every Taxing Master under this Act shall be entitled to receive such annual salary, not exceeding *One thousand Pounds*, as the Commissioners of Her Majesty's Treasury shall direct, and such Taxing Master may appoint to assist him in his business Two Clerks, and as many more as the Lord Chancellor, with the consent of the said Commissioners of Her Majesty's Treasury, shall from time to time by any order direct; and every such Taxing Master may from time to time remove such Clerk or Clerks, and fill up all vacancies in the office of such Clerks, whether occasioned by death, resignation or removal; and the said Clerks shall respectively receive such salaries as may be directed by the Commissioners of Her Majesty's Treasury: Provided always, That no Clerk shall be appointed by a Taxing Master to fill up a vacancy while he shall have a Clerk or Clerks, unless the Lord Chancellor shall by any order declare such appointment to be necessary.

30

35

And

And be it Enacted, That if any such Taxing Master, or any Clerk of any Taxing Master, shall, for any thing done, or pretended to be done, relating to his office or employment under this Act, or under colour of doing any thing relating to his said office or employment, wilfully demand, or accept, or appoint or allow any person whatsoever to take for him or on his account, or for or on account of any person by him named, any fee, gift, gratuity or emolument, or any thing of value, other than what is allowed or directed to be taken by him under this Act, or any order made under this Act, the person so offending may, upon complaint made to the Lord Chancellor, be removed by him from any office or employment he may hold under this Act.

7.
Taxing Master and Clerks not to take Gratuities.

And be it Enacted, That from and after the *Thirtieth day of November next after the passing of this Act*, no person, while he holds any office or employment under this Act shall practise as a Barrister or as a Solicitor, or as an Attorney, and that from and after the said *Thirtieth day of November*, every Solicitor or Attorney who shall accept any office or employment under this Act, shall be struck off the roll of Solicitors of the High Court of Chancery, and off the roll of Attornies of any of Her Majesty's Courts of Record at Dublin, on which his name may be.

8.
Persons employed under this Act not to practise as Barristers, &c.

Solicitors, &c., accepting Office, to be struck off the Rolls.

And be it Enacted, That it shall be lawful for the Lord Chancellor, with such advice and consent as aforesaid, to make and issue such orders as he shall think fit for carrying the provisions of this Act into execution, and also to make and issue such other rules and orders, not being inconsistent with the enactments and provisions of this Act, as he shall think fit, for establishing and settling the practice of the office hereby created, and the hours of attendance and holidays.

9.
Orders may be made for carrying Act into execution.

And be it Enacted, That any order or orders for the time being made under this Act may from time to time be annulled, altered or varied by the like authority by which any such order or orders shall have been made, and new orders may from time to time be made for any of the purposes of this Act, by the respective authorities by which orders are hereby authorized to be made.

10.
Orders under this Act may be varied.

Provided always, and be it Enacted, That nothing in this Act contained shall be construed to affect the general powers vested in the Lord Chancellor, either solely or otherwise, under any former Act.

11.
Act not to affect other Powers of Lord Chancellor.

And be it Enacted, That it shall be lawful for the Lord Chancellor to procure and provide a suitable office or offices for the business of such Taxing Master in the buildings of the King's Inns, Dublin, if the same can be conveniently procured therein; and if the same cannot be conveniently procured therein, it shall be lawful for the Lord

12.
Offices to be procured for the Taxing Master in the King's Inns, or to be rented or hired.

Chancellor to cause suitable offices to be rented or hired for carrying on the business of such Taxing Master.

13.

The Salaries of the Taxing Master and his Clerks, and the Expenses of the Office, to be paid out of the Consolidated Fund; and the Stamp Duties imposed by the 4th Geo. 4, c 78, in respect of taxation of Costs in Chancery, to be paid as heretofore.

AND whereas by an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to grant additional Stamp Duties on certain Proceedings in the Court of Chancery, and in the Equity Side of the Court of Exchequer in Ireland," certain Stamp Duties were amongst others imposed, and are payable for and in respect of several proceedings in the Offices of the Masters in Ordinary of the Court of Chancery in Ireland, and among others for and in respect of Certificates at the foot of Bills of Costs upon the taxation thereof, which said Stamp Duties are carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: AND whereas it is expedient that the same Stamp Duties should be continued and be payable and carried to the Consolidated Fund in respect of the taxation of Costs by the Taxing Master appointed under this Act, as were payable in respect of the taxation of Costs in the said Court before the passing of this Act, and that the Salaries of such Taxing Master and his Clerks, and the expenses of his office should be paid out of the Consolidated Fund; BE it therefore Enacted, That the several and respective Duties of Stamps payable by virtue of the said recited Act, for and in respect of every Certificate at the foot of any Bill of Costs, shall continue to be paid and payable for and in respect of and shall be applicable to every Certificate at the foot of any Bill of Costs, upon, for or in respect of any taxation of Costs by any Taxing Master to be appointed by virtue of this Act, and shall be subject to the same rules, regulations and provisions as the said Stamp Duties in the said recited Act mentioned, so far as the same shall be respectively applicable.

14.

Salaries, &c., to grow due from day to day, but to be payable quarterly out of the Consolidated Fund.

And be it Enacted, That all Salaries under this Act shall grow due from day to day, but shall be payable on the Third day of February, the Third day of May, the Third day of August, and the Third day of November in every year, or on such other days as the Lord Chancellor shall from time to time by any order direct, and shall be paid to the parties entitled thereto, or their respective executors or administrators by the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and the expense necessarily incurred for hiring suitable offices for the business of such Taxing Master shall likewise be paid out of the said Consolidated Fund.

15.

Interpretation of "Lord Chancellor."

And be it Enacted, That in the construction of this Act, the expression "the Lord Chancellor" shall mean and include the Lord Chancellor of Ireland, the Lord Keeper and Lords Commissioners for the custody of the Great Seal of Ireland for the time being.

16.

Act may be amended, &c. this Session.

And be it Enacted, That this Act may be amended or repealed by any Act passed in this present Session of Parliament.

Taxing Master, Court of Chancery.

(Ireland.)

A

B I L L

For the Appointment of a Taxing Master for
the High Court of Chancery in Ireland.

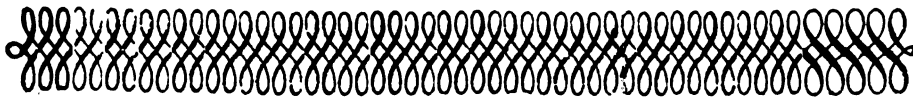
(Prepared and brought in by
*Mr. Attorney-General for Ireland and
Sir Thomas Fremantle.*)

*Ordered, by The House of Commons, to be Printed,
10 July 1845.*

485.

Under 1 oz.

28 July 1845.—9 VICT.



(Ireland.)

A

B I L L

To provide Compensation for Tenants in Ireland who have made, or shall hereafter make Improvements on the Premises in the Occupation of such Tenants.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

W~~H~~~~E~~~~R~~~~E~~~~A~~~~S~~ it has long been the practice in Ireland, that all Preamble.
Improvements on Premises let to Tenants have been made by the Tenant, and at his cost :

And whereas it is therefore just and expedient that Tenants who
5 have made such Improvements should, in case of eviction from the Premises, receive fair compensation for the labour and capital so expended ;

B~~E~~ it ~~therefore~~ **E**nacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual
10 and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act* every Landlord shall, previous to the eviction of any Tenant, pay to such Tenant a fair compensation for all improvements on the premises, by which the value of the property so held by such
15 Tenant has been increased : Provided always, That such improvements have not been made by such Landlord, or at his cost, or by the Tenant in pursuance of any agreement made with the Landlord, binding him to make the same.

1.
Tenant may claim compensation for improvements which permanently increase value of the premises.

And be it Enacted, That all claims for compensation under the provisions of this Act shall be made and decided on in manner herein-after directed ; videlicet, in case any Tenant shall be desirous of
578. 2.
Tenant, on demand of possession on expiration of tenancy, or on demand of increased rent, or on service
claiming

of notice to quit, or on service of declaration in ejectment, shall serve notice of his claim on Landlord.

Notice shall specify extent and nature of improvements, and amount of claim ;

also a proposal of the rent and tenure at which claimant would continue Tenant ;

and an offer to submit the amount of compensation to arbitration.

If Landlord agrees to arbitration, to serve a notice on Tenant of such agreement.

3.
Provisions as to arbitration, and proceedings thereon.

claiming compensation, such Tenant shall, on the demand of possession by his Landlord, on the expiration or other determination of his tenancy, or on service of notice to quit, or on the demand of an increased rent by the Landlord, or on service of declaration in ejectment being made on him by such Landlord, or within *Ten* Days after each respectively, serve on such Landlord, or on his known agent, a notice of such claim, which notice shall be in writing, and signed by such claimant, or by some person on his behalf, and shall specify the extent and nature of the improvements for which such claim shall be made, and the amount of compensation demanded in respect thereof, and shall also contain a proposal stating the rent and tenure on which such claimant would be willing to continue as Tenant on the premises in lieu of such compensation, and also an offer on the part of the claimant to refer the aforesaid matters to arbitration ; and in case the claim for compensation, or the offer of the claimant to continue as Tenant on the terms proposed by such Tenant shall not be acceded to by such Landlord or his agent, or adjusted by agreement between the parties, and the Landlord shall be desirous of acceding to the proposal of the Tenant to settle the matter of such compensation by arbitration, such Landlord, within *Ten* Days after the delivery of such notice, shall serve upon such Tenant a notice of his acceptance of such offer of arbitration as aforesaid.

And be it Enacted, That upon the delivery of such last-mentioned notice, the said claim shall be referred to Three Arbitrators, one to be appointed by the said Landlord, another by the Tenant, and the third by the Two Arbitrators appointed as aforesaid, within *Ten* Days after notice in writing, to be given by either of said parties ; and in case of the death of, or incapacity or refusal to act of any or either of the arbitrators, another shall be appointed in his stead by the party by whom or on whose behalf he was so appointed, or by the said Two Arbitrators appointed by the parties (as the case may be), within *Ten* Days after notice thereof ; and the said arbitrators, or any Two of them, shall and are hereby authorized and empowered, by such means as they shall think proper, to settle the amount of compensation (if any) to which the Tenant shall be entitled under the provisions of this Act, as hereinafter enacted, and to make their award therein by writing, under their hands and seals, or under the hands and seals of any Two of them, and such arbitrators shall, within *Three* Days after the making of such award, forward to each of the parties a copy thereof, and the expenses of such arbitration shall be paid by such party or parties, or in such proportion as the said arbitrators shall direct.

4.
If not settled by arbitration, or if either party disagree

And be it Enacted, That in case the Landlord or his agent shall not, within *Twenty* Days after such notice as aforesaid, on the part of

- of the Tenant, shall have been delivered, accept in manner aforesaid the offer of arbitration therein contained, or shall, for *Twenty Days* after notice for that purpose has been given, neglect or refuse to nominate or appoint any person as arbitrator on his part, or in case no Two of the arbitrators so appointed can agree as to the amount to be awarded, or in case either party shall be dissatisfied with such award, and serve notice of such dissatisfaction upon the other party within *Twenty Days* after the receipt of the copy thereof, it shall be lawful for such Tenant to sue for and recover compensation for such improvements at the Quarter Sessions which shall be held next after the occurrence of any event as aforesaid, for the division of the county wherein such land shall be wholly or in part situate, provided same shall not be held sooner than *Thirty-one Days* after such event as aforesaid, and if there shall not be *Thirty-one Days* between the occurrence of such event as aforesaid, and the day appointed for holding such Sessions, then such suit may be heard at the second Quarter Sessions which shall be holden for each division of such county after such event as aforesaid, and the Assistant Barrister at such first or second Quarter Sessions, or any adjournment thereof (upon due proof that notice of such suit has been served upon such Landlord at least *Twenty-one Days* before the day appointed for holding such Sessions), is hereby empowered and required to hear and finally to determine the matter of such claim, either by himself, or with the verdict of a jury, if either party shall so require.
- And be it Enacted, That if in any suit as aforesaid either party thereto shall require a jury to be summoned for determining the matter of such suit, then and in every such case such party shall serve or cause to be served on the sheriff of the county where such suit is to be heard, a notice requiring such sheriff to impanel, summon and return a jury to try the cause, and the said sheriff to whom such notice shall be given, is hereby required accordingly to impanel, summon and return a jury of not less than *Twenty-four* men qualified according to law to be returned for trials of issues joined in Her Majesty's Courts in Dublin, to appear before the said Assistant Barrister at such time and place as in such notice shall be appointed, not being less than *Fourteen Days* after such notice shall be served on said sheriff, upon pain to forfeit for every default in not making such return *Five Pounds*, to be sued for and recovered in the manner hereinafter directed, and also to return in issues upon every person so impanelled and returned, who, contrary to the true intent and meaning of this Act, shall not appear, the sum of *Forty Shillings*, which shall be levied by distress and sale of the goods and chattels of the person not appearing as aforesaid, by warrant under the hand and seal of the said Assistant Barrister; and in case a sufficient number of jurymen shall not appear at such time and place, the said sheriff shall return other honest and indifferent
- from the award, Tenant may sue at Quarter Sessions.
- Jury to be impanelled should either party require it.
5. Regulations for summoning Jury.
- Notice to Sheriff.
- (See Irish Drainage Act, 5 & 6 Vict. c. 89.)
- Twenty-four Jurors to be summoned. Jurors summoned to be on the Record Jury panel.
- Penalty on Sheriff not making return.

Jurors may be challenged.

Jury to consist of 12 Jurors.

Barrister may direct the Jury, or any six of them, to view the premises.

Proviso.

Limitation as to persons eligible to be Jurors.

indifferent men that can speedily be procured to attend that service, being qualified as aforesaid, to make up the said jury to the number of Twelve, and all parties concerned shall and may have their lawful challenges against any of the said jurymen; and the said Assistant Barrister may order and authorize the said jury, or any Six or more of them, to view the premises in question, which jury (upon their oaths to be administered by the said Assistant Barrister, which oaths, as also the oaths to such person or persons as shall be called upon to give evidence, the said Assistant Barrister is hereby empowered to administer), shall inquire of, assess and ascertain the sum of money to be paid by such Landlord to such Tenant, as compensation for the improvements made by such Tenant on such premises: Provided always, That in the case of any jury to be impannelled for the aforesaid purpose, it shall not be lawful that any greater number than Six of such jury shall be persons who are magistrates, or who have served, or are usually summoned to serve as grand jurors on the panel of such county.

6.

Penalty on Juror refusing to be sworn or to give verdict.

And be it Enacted, That if any person summoned as a jurymen as aforesaid shall, after his appearance, refuse to be sworn, or, being so sworn, refuse to give or not give his verdict, or in any other manner wilfully neglect his duty in the premises, contrary to the true intent and meaning of this Act, every person so offending, having no reasonable excuse to be allowed by the said Assistant Barrister, shall for every such offence, forfeit and pay any sum not exceeding the sum of *Forty Shillings*, to be levied on the goods and chattels of the person so offending, by warrant under the hand and seal of the said Assistant Barrister, by distress and sale of the offender's goods, rendering the overplus to the owner thereof, after such penalty and the charges of such distress and sale are deducted.

7.

Judgment of Assistant Barrister to be final and binding on all parties.

And be it Enacted, That in all such cases as aforesaid, the said Assistant Barrister shall give judgment for such recompense, whether same shall have been assessed and ascertained by such juries, or finally determined by such Assistant Barrister himself, and the verdicts of such juries, and the judgments thereon, and the judgments of such Assistant Barrister where no such verdicts shall be given, shall be final, binding and conclusive to all intents and purposes, against all parties and persons whatsoever.

8.

Awards, judgments and verdicts to be recorded.

And be it Enacted, That such of the aforesaid awards as shall not have been dissented from in manner aforesaid, and the judgments and verdicts so given as aforesaid, shall be respectively transmitted to and kept by the respective Clerks of the Peace of the counties in which the land in respect of which such awards, judgments or verdicts shall have been respectively made shall be situate, and shall be deposited

sited with the records, and deemed records of such counties respectively, to all intents and purposes, and the same, or certified copies thereof, shall be allowed to be good evidence in all courts whatsoever ; and all persons shall have liberty to inspect the same, paying for such inspection the sum of *Sixpence*, or to have copies thereof, paying for every copy the sum of *Three Halfpence* for every Seventy-two words, and so in proportion for any greater or less number of words.

And be it Enacted, That in any estimate of the amount of compensation to be allowed for buildings under this Act, the arbitrators, jurors or Assistant Barrister aforesaid, shall first estimate the cost at which new buildings might be erected, of the quality and extent of those for which compensation may be claimed, and afterwards they shall estimate whether any or what deduction should be made for deterioration, from age or other causes, and having deducted such amount, if any, from the sum first ascertained, the remainder shall in all cases and periods of tenancy be deemed and taken to be the amount of compensation to be awarded to the tenant for such buildings : Provided always, That in case it shall appear that any building or buildings for which compensation shall be demanded, are of a greater extent, or erected at a higher cost, or for purposes other than what are suitable to the premises, and from any of these causes do not increase the value of the same, or produce an increased rent equal to the cost, the compensation allowed shall be reduced in amount accordingly.

9.
Buildings ; rules for award of compensation thereon.

To be valued in all cases and periods of tenancy according to existing condition.

If unsuitable to the premises, and do not increase the annual or real value of the same, reduction to be made in the amount allowed for compensation accordingly.

And be it Enacted, That, in determining the amount of compensation which shall be allowed to any claimant for improvements on the soil, credit shall be given by the said jurors and arbitrators or Assistant Barrister, for all works of every description, and all expenditure of labour and capital proved to have been made, which shall have produced an increase of the real value or annual rent of the property improved ; and the nature, extent, expense and present condition of all such improvements having been ascertained by the evidence which shall be produced on the part of the Tenant, the amount of compensation to be awarded shall be determined in manner following ; that is to say, an estimate shall be first made of the annual rent which the lands would produce as then improved, and an estimate shall be next made of the inferior rent which the same lands would be capable of producing, if such improvements had not been made, and the difference of the two sums shall be considered the amount of annual profit to the Landlord created by the Tenant's improvements on the soil ; and such number of years' purchase on the annual value so created as the arbitrators or jurors or Assistant Barrister shall, on a due consideration of all the circumstances of the case, deem fair between the parties (not exceeding *Twenty Years'* purchase), shall be awarded as the amount of compensation due to the claimant for improvements on the soil.

10.
Improvements on the soil ; rules for award of compensation thereon.

To be allowed on all works of every description which increase the value or annual rent ;

to be estimated according to the increased value created.

The increased annual value being ascertained, the compensation awarded to be such number of years' purchase thereon, as the Arbitrators, &c. may deem right.

578.

B

And

11.

Various matters to be considered by the Arbitrators, &c. in determining the amount of compensation for improvements of the soil.

Duration of previous tenancy, and at what rent.

Rent and terms of tenancy offered by Tenant for continuance of tenancy.

Rent and terms of tenancy offered by Landlord, if any offer made.

Arbitrators, &c. to make an equitable decision between the parties, according to all the circumstances of the case.

The intention of the Act, that if the Tenant be continued at a fair rent, the Landlord shall not be liable to pay compensation; otherwise full recompense to be awarded for all useful expenditure.

And be it Enacted, That in determining the amount to be allowed for all such improvements, it shall be lawful for such arbitrators, jurors or Barrister to inquire into and take into consideration the length of tenure or length of occupancy during which the Tenant had previously enjoyed the profits of his improvements, without any increased rent having been paid or charged on the premises held by such Tenant, as well as the amount of the annual rent so paid, as compared with the actual value of such lands, or the increased annual value derived from such improvements, and also the rent and terms of tenancy offered in the original notice of the claimant served on the Landlord as hereinbefore required, and also the rent and terms of tenancy proposed by the Landlord, if any such proposal had been made by any notice or offer of such Landlord, and by such inquiries to ascertain whether cause existed for the determination of the tenancy, by the refusal of the Tenant to continue in the occupancy of the premises at a fair rent, and on fair terms of tenancy, and to take into consideration all circumstances tending to increase or diminish the amount of compensation which would enable the said arbitrators, jurors or Assistant Barrister to make a just decision as to the amount to be awarded to the Tenant for such compensation, and for his equitable right and interest in the soil created by such improvements, and to make award in such manner as, to the best of their skill and judgment, to do substantial justice between the parties, it being the true intent and meaning of this Act, that so long as the Landlord shall permit the Tenant to continue in the occupation of the premises at a fair rent, and on fair terms of tenancy, such Landlord shall not be liable to pay money compensation for any improvements made by the Tenant; but in case the Landlord shall evict a Tenant desirous to continue on such terms as aforesaid, the Tenant shall be entitled to obtain full recompense for all labour and capital expended in useful improvements on the premises.

12.

The Arbitrators, &c. if required by Landlord, may declare the rent and terms of tenancy which they would deem equivalent to the compensation awarded.

If the Landlord agrees thereto, discharged from the demand of compensation for improvements on the soil.

And be it Enacted, That it shall be lawful for the said arbitrators, jurors or Assistant Barrister, in case they shall be so required by the Landlord, to estimate and award the annual rent and terms of tenure which they would deem equivalent to the sum determined by them as the amount of the compensation due to the Tenant for improvements on the soil; and in case the Landlord shall contract or offer to contract with such Tenant, that he shall continue as Tenant on the terms so awarded by the arbitrators, or by the Assistant Barrister or jurors if the matter in question be referred to the Court of Quarter Sessions, and shall allow such Tenant to enjoy undisturbed possession of the premises according to such contract, such Landlord shall in that case be discharged from all present or future liability to pay compensation for any improvements of the soil mentioned in said award of compensation, or for any improvements of the soil made previous to

to the commencement of such contract: Provided always, That with regard to compensation for buildings, the Tenant shall in any and every case of dispossessionment from the premises, whether after a longer or shorter duration of previous tenancy, be entitled to receive
 5 compensation for such buildings, according to their actual existing condition and value, and on the terms in all other respects as hereinbefore provided, notwithstanding any renewal of tenancy which might be contracted for under any award or any agreement of the parties.

Proviso.

In all cases of dispossessionment the Tenant's claim for building compensation according to the existing condition, to continue as before provided, notwithstanding any renewal of tenancy.

And be it Enacted, That it shall rest upon the Tenant to prove the
 10 nature, extent, expense and value of all improvements for which he may claim compensation, to the satisfaction of the arbitrators, jurors or Assistant Barrister appointed to decide on the same, and they shall not give compensation for any claim which shall not be so proved; and in case any Landlord shall object to any claim of any
 15 Tenant, on the ground that the improvement so claimed for had been made wholly or partly at the cost of such Landlord, it shall in like manner rest with such Landlord so objecting, to prove the objection so made on his part.

13.

Tenant must prove the nature, value, &c. of all improvements claimed, to the satisfaction of the Arbitrators, &c., otherwise not to be allowed.

Landlord objecting that they were made at his cost, must prove his objection.

And be it Enacted, That such arbitrators or jurors or Assistant
 20 Barrister shall not award compensation for any improvements not included in the notice required to be served upon the Landlord as aforesaid.

14.

No improvements to be allowed for not stated in the notice of the Tenant.

And be it Enacted, That if any Landlord against whom any such claim of compensation as aforesaid shall be made, shall proceed by
 25 any process of law against the Tenant making such claim for the purpose of recovering the possession of the lands or tenements in respect whereof such claim shall have been made, it shall and may be lawful for such tenant to prove by evidence at the trial of such ejectment, that such claim has been made, and either that compensation has been awarded to him, which compensation has not been
 30 paid or tendered to be paid by said Landlord, or that such claim is then, without his default, pending and undetermined, and on proof thereof, such Tenant shall be entitled to a judgment or decree (as the case may be) in his favour.

15.

Landlord not to eject Tenant without having paid compensation if awarded, or pending proceedings to recover compensation.

And be it Enacted, That in case any Tenant shall make any such claim as aforesaid, and shall continue to keep possession of the lands or tenements in respect of which such claim shall be made, on the ground of such claim, and it shall be finally decided in the manner hereinbefore provided, that such Tenant had not any right or just
 40 claim to compensation under this Act, or that tender of full and sufficient compensation had been made to such Tenant, such Tenant shall pay and forfeit to the Landlord double the yearly value

16.

Tenants retaining possession of premises on the grounds of claim of compensation, to pay double the yearly value if no claim proved.

See 11 Anne, c. 2.

of the said lands and tenements, for so long as the same are detained as aforesaid, to be levied, sued for and recovered in like manner as is by law provided for the recovery of the double value from Tenants wilfully holding over after expiration of their terms, and after demand made and notice in writing given for delivering possession thereof. 5

17.
Landlords having
estates less than fee-
simple may charge
the lands with com-
pensation paid for
improvements, on
certain terms.

And be it Enacted, That any person entitled to less than an immediate estate of fee-simple, may charge the land to which he shall be entitled, and which shall have been improved in manner hereinbefore mentioned, with any sum he may be required to pay as compensation for such improvements under the provisions of this Act, but so nevertheless 10
that the charge upon such lands or premises shall be lessened in every successive year (to be computed from the time of payment of such compensation) by the amount of at least One-twentieth part of the whole sum charged thereon for such improvements, and the interest in respect thereof. 15

18.
Interpretation
Clause.
Tenant.

And be it Enacted, That in the construction of this Act, the word "Tenant" shall be construed to mean a person in the actual occupation of land let for pasture or cultivation, and which shall not have been let for one or two seasons only, or for any special or temporary purpose, but shall be held by such person as Tenant at will, or from year to year, 20
or for a term of years absolute or determinable on the dropping of a life or lives, or for a life or lives with or without a term of years, and shall include the personal representation of a Tenant within this Act, or the parties claiming as special occupants on the death of such a Tenant, and generally all parties claiming or deriving title from, through, or 25
under such a Tenant, and a party who shall have been, but shall have ceased to be such Tenant, and shall extend as well to any person or persons, body politic, corporate or collegiate, or other body of persons who shall be bound to pay any rent out of any lands and premises; the word "Landlord" shall be construed to mean the person for the 30
time being entitled to a vested right to the possession of the Tenant's land immediately on the determination of such Tenant's interest, the person in the receipt of the rent payable by such Tenant (including a receiver appointed by the Court of Chancery or the Court of Exchequer), being deemed to be rightfully entitled to such vested right, 35
and shall include the party who was entitled as aforesaid at the time of the determination of the tenancy, and the personal representatives of a Landlord within this Act, and shall extend to a body politic, corporate or collegiate, as well as to an individual; the word "serve" shall be construed to mean either personal service or services on the attorney, 40
agent, bailiff, steward or receiver of the person to be served, or service by delivery at the place of abode of the person to be served; the word "Improvement" shall be taken to include all buildings or repairs of building, and all works which have tended to increase the permanent value

Landlord.

Serve.

Improvement.

- value of such premises ; the word " Lease " shall extend to an agree- **Lease.**
ment for a lease ; the term " Assistant Barrister " shall include the **Assistant Barrister.**
Chairman of the Sessions of the Peace for the county of Dublin ; and
the term " Quarter Sessions " shall be taken to include such sessions ; **Quarter Sessions.**
5 and every word importing the " singular number " only shall extend **Number.**
and be applied to several persons or things, as well as one person or
thing ; and every word importing the " plural number " shall extend and
be applied to one person or thing, as well as several persons or things ;
and every word importing the " masculine gender " only shall extend **Gender.**
10 and be applied to a female as well as a male : Provided always, That
those words to which an extended meaning is to be attached, shall not
have such extended meaning in cases in which there is any thing in the
subject or context repugnant to such construction.

- And be it Enacted, That this Act shall only extend to lands in **19.**
15 Ireland. **Act to extend to Ireland only.**

And be it Enacted, That this Act may be altered, amended or repealed **20.**
by any Act to be passed in the present Session of Parliament. **Act may be altered.**

Tenants (Ireland).

A

B I L L

To provide Compensation for Tenants in Ireland who have made, or shall hereafter make Improvements on the Premises in the Occupation of such Tenants.

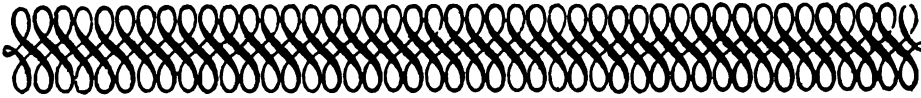
(Prepared and brought in by
*Mr. Sherman Crawford and Mr. Martin
Joseph Blake.*)

*Ordered, by The House of Commons, to be Printed,
28 July 1845.*

578.

Under 2 oz.

18 July 1845.—9 VICT.



A

B I L L

To amend the Law respecting Testamentary Dispositions of Property in the Public Funds, and to authorize the Payment of Dividends on Letters of Attorney, in certain Cases.

WH **H**EREBY by an Act passed in the first year of his late Majesty King GEORGE the First, intituled, "An Act for raising Nine Hundred and Ten Thousand Pounds for Public Services by Sale of Annuities, after the Rate of Five Pounds per Centum per Annum, redeemable by Parliament; and to authorize a Treaty concerning private Rights claimed by the Proprietors of the Sugar-houses in Scotland;" and by divers Acts since passed for creating Stocks, Funds and Annuities payable out of the Public Revenue, and for the consolidation, regulation and management of such Stocks, Funds and Annuities respectively, it is enacted, that any person or persons possessed of any estate or interest in the Public Stocks or Funds, and Annuities by the same Acts respectively created, may devise the same by will in writing, attested by Two or more credible witnesses, but that no such devisee shall receive any payment thereupon until so much of any such will as shall relate to such Stock or Annuity respectively shall be entered or registered in the office of the Chief Accountant for the time being of the Governor and Company of the Bank of England, and that in default of any such devise, such Stocks or Funds respectively, and the respective Annuities attending the same, shall go to the executors or administrators of the person or persons dying entitled thereto :

Preamble:
1 G. 1, c. 19.

And whereas doubts have arisen as to the true construction and effect of the provisions aforesaid ; and the registration of specific devises

or bequests of property in such Stocks, Funds and Annuities as aforesaid has been found in practice to be unnecessary and inconvenient ; and it is expedient that such doubts should be removed, and that the provisions made by the said Acts respectively for such registration should be repealed :

5

And whereas it hath been the practice of the Governor and Company of the Bank of England to require that all the executors of any person entitled to any share or interest in any Stocks, Funds or Annuities transferable at the Bank of England should join in the transfer thereof, and it is desirable that the same should be confirmed by law ;

10

BE it therefore Enacted and Declared, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT all the share or interest in any Public Stocks now standing in the books of the Governor and Company of the Bank of England in the name of any deceased person, and all the share and interest of any person who shall hereafter die possessed of any such Stocks standing in his name as aforesaid, shall and may be assigned and transferred by the executors or administrators of such person, notwithstanding any specific bequest or disposition thereof in the will of such person contained : Provided always, That the said Governor and Company of the Bank of England shall not be required to permit or allow the executors or administrators of any such person to transfer any such Stocks, or to receive any dividend thereon, until the probate of the will or the letters of administration of the goods, chattels and credits of such person shall have been first left at the Bank of England for registration thereof ; and that it shall be lawful for the said Governor and Company to require all the executors who shall have proved the will of any deceased person in whose name any such Stocks are now or at any time hereafter may be standing to join and concur in every transfer thereof, or of any part thereof.

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1.
Stock may be transferred by Executors, notwithstanding specific Bequests.

Bank may require all the Executors of a deceased person to join in the transfer of Stock.

2.
Bank not to register specific Bequests.

And be it Enacted, That so much and such respective parts of any and every Act now in force as require all or any part of any will or codicil devising or bequeathing, or purporting to devise or bequeath any estate, property or interest in any Public Stocks or in any dividends arising therefrom, to be entered or registered in the office of the Chief Accountant of the Governor and Company of the Bank of England, or in any other office, or in any book of the Governor and Company of the Bank of England, shall be and the same are hereby respectively repealed ; and that from and after the passing of this Act, it shall be sufficient for the said Governor and Company, before permitting

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mitting the transfer of any Stocks, or the receipt of any dividends upon any Stocks standing in the name of any deceased person, to register the names of the deceased party, and of his executors or administrators respectively, as the case may be.

- 5 AND whereas it frequently happens that Stock is standing in the names of infants or persons of unsound mind jointly with persons not under any legal disability to act, and such last-mentioned persons are not able to attend personally to receive the dividends thereon, and no power of attorney can be granted for the receipt of such dividends; BE it therefore Enacted, That whenever it shall happen that any Stock shall be standing in the name of any infant or person of unsound mind jointly with any person not under any legal disability to act, it shall be lawful to and for such last-mentioned person, by letter of attorney under his hand and seal, attested by Two or more credible Witnesses, to authorize some other person to receive the dividends due and to accrue due on such Stock; and the payment of any such dividend to any person so appointed shall discharge the said Governor and Company of the Bank of England in respect thereof: Provided always, That it shall be lawful for the said Governor and Company, before acting on any such letter of attorney, to require proof to the satisfaction of the said Governor and Company of the age of such infant, or of the unsoundness of mind of such person, by the declaration of competent persons to be made in pursuance of the Act in that case made and provided.

3.
Powers of
Attorney may
be given for
receipt of
Dividends in
certain cases.

- 25 And be it Enacted, That the word "Stocks" in this Act shall extend to any Stocks, Funds or Annuities which now are or at any time hereafter shall be transferable at the Bank of England; and that the plural number in this Act shall be construed to include the singular; and that the masculine gender in this Act shall be construed to include the feminine.

4.
Interpreta-
tion.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

5.
Act may be
amended.

Testamentary Dispositions, &c.

A

B I L L

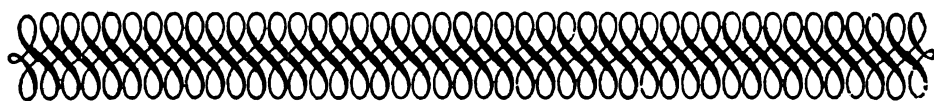
To amend the Law respecting Testamentary Dispositions of Property in the Public Funds, and to authorize the Payment of Dividends on Letters of Attorney, in certain Cases.

(Prepared and brought in by
Mr. Attorney-General and
Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
18 July 1845.

539.

Under 1 oz.



A

B I L L

To continue and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in British North America, or in the Settlement of Honduras, from loading any Part of their Cargo of Timber upon Deck.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ an Act was passed in the Session of Parliament held in the fifth and sixth years of the reign of Her present Majesty, intituled, “ An Act for preventing, until the First day of May One thousand eight hundred and Forty-five, Ships clearing out from any Port in British North America, or in the Settlement of Honduras, from loading any Part of their Cargo of Timber upon Deck :”

Preamble:
5 & 6 Vict.,
c. 17.

And whereas it is expedient that the said Act should be further continued for the term hereinafter specified : BUT it is necessary that certain Amendments should be made therein ;

BE it therefore Enacted, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said Act, except so much thereof as is hereinafter repealed, shall continue in force until the *End of the Session of Parliament next after the First day of May One thousand eight hundred and Fifty-two.*

1.
Act, except so much as is hereby repealed, continued for Seven Years.

And be it Enacted, That so much of the said Act as enacts, that it shall not be lawful for any part of the cargo of any ship or vessel laden with timber or wood goods, and clearing from any British Port in North America, or the Settlement of Honduras, between the First day

2.
Repeal of Section prohibiting the lading of Cargo upon Deck, or the sailing with-

out Certificate ;

and of Section imposing a Penalty.

day of September and the First day of May in each year, to be placed during any part of the voyage on the deck of such ship or vessel; and that no Captain or Master of any ship or vessel so clearing shall be permitted to sail without first procuring a certificate from the Clearing Officer that all the cargo is below deck; and so much of the said Act as imposes a penalty upon any Captain or other person offending against the provisions thereof, shall be repealed.

5

3.
Clearing Officers to ascertain and certify that the Cargo of certain Ships is below Deck.

Captains of such Ships not to sail without Certificate.

And be it Enacted, That before any Clearing Officer permits any vessel, wholly or in part laden with timber or wood goods, to clear out from any British Port in North America, or in the Settlement of Honduras, for any Port in the United Kingdom, at any time after the First day of September or before the First day of May in any year, he shall ascertain that the whole of the cargo of such vessel is below deck; and shall give the Captain or other person having command of such vessel a certificate to that effect; and no Captain or other person having command of any vessel so laden as aforesaid, shall sail from any of the Ports aforesaid for any Port of the United Kingdom at any such time as aforesaid, until he has obtained such a certificate as aforesaid from the Clearing Officer.

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4.
No part of the Cargo of such Ships to be placed on Deck.

Proviso for removal of Cargo in cases of Leakage or Damage.

Stores not to be taken to be Cargo.

And be it Enacted, That no Captain, Owner, Supercargo or other person having command of any vessel in respect of which such certificate as aforesaid has been obtained, shall place or permit or cause to be placed or to remain or be upon or above the deck of such vessel, any part of the cargo thereof, until such vessel has arrived at the Port of her destination: Provided always, That if the Captain or other person having command of any such vessel consider that it is necessary, in consequence of the springing a leak or of other damage received or apprehended during the voyage, to remove any portion of the cargo upon deck, he may remove or cause to be removed upon the deck of such vessel so much of the cargo, and may permit the same to remain there for such time as he considers expedient: Provided also, That the store, spars or other articles necessary for the vessel's use shall not be taken to be cargo for the purposes of this Act.

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5.
Penalty for Offences against this Act.

And be it Enacted, That if any Captain or other person, having the command of any vessel for which such certificate as aforesaid is hereby required, sails or attempts to sail without having obtained such certificate, or places or permits or causes to be placed or to remain or be upon or above the deck of such vessel any part of the cargo thereof, except in the cases in which the same is not forbidden by this Act, he shall for every such offence forfeit and pay any sum not exceeding *One hundred Pounds*.

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And

And be it Enacted, That all the enactments of the said Act respecting indictments, informations and proceedings in respect of offences alleged to have been committed against the provisions thereof, and respecting proceedings for the recovery of the penalties
 5 inflicted thereby, shall be held and taken to apply to all indictments, informations and proceedings against any person or persons in respect of offences committed or alleged to have been committed against the provisions of this Act, and to all proceedings for the recovery of any penalty incurred or alleged to have been incurred by any person
 10 or persons under this Act.

6.
 Provisions of
 said Act
 respecting
 Indictments
 and Proceed-
 ings applied
 to Indict-
 ments and
 Proceedings
 under this
 Act.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

7.
 Act may be
 amended, &c.
 this Session.

Timber Ships.

A

B I . L L

To continue and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in British North America, or in the Settlement of Honduras, from loading any Part of their Cargo of Timber upon Deck.

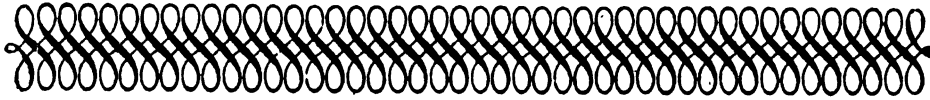
(*Prepared and brought in by
Mr. Greene, Sir George Clerk, and Mr. Corry.*)

*Ordered, by The House of Commons, to be Printed,
13 June 1845.*

370.

Under 1 oz.

18 July 1845.—9 VICT.



A

B I L L

To regulate the Trade of British Possessions Abroad.

[Note.—The Words and Figures printed in *Italics* are proposed to
be inserted in the Committee.]

WH ~~HEREAS~~ an Act was passed in the Session of Parliament
holden in the third and fourth years of the reign of King
WILLIAM the Fourth, intituled, “ An Act to regulate the Trade of
the British Possessions Abroad,” whereby the Laws of Customs in
5 relation to the Trade of the British Possessions Abroad were conso-
lidated :

Preamble :
3 & 4 Will. 4,
c. 59.

And whereas since the passing of the said Act divers Acts and parts
of Acts for the further amendment of the Law in that respect have been
found necessary, and it will be of advantage to the trade and commerce
10 of the country that the said Acts and parts of Acts should be consoli-
dated into one Act ; ~~BE it therefore Enacted~~, by The QUEEN’s most
Excellent MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, THAT from and after
15 the *passing of this Act* the same shall come into and be and continue
in full force for all the purposes therein mentioned, except where any
other commencement is herein particularly directed.

1.
Commence-
ment of Act.

And be it Enacted, That no goods shall be imported into, nor
shall any goods, except the produce of the Fisheries in British ships,
20 be exported from, any of the British possessions in America by sea,
from or to any place other than the United Kingdom, or some other
of such possessions, except into or from the several ports in such

2.
Importation
and Expor-
tation of
Goods con-
fined to Free
Ports.

possessions, called " Free Ports," enumerated or described in the Table following ; (that is to say)

TABLE of FREE PORTS.

Kingston - - - -	-	
Old Harbour - - -	-	
Savanna la Mer - -	-	
Black River - - -	-	
Montego Bay - - -	-	
St. Lucia - - - -	-	
Falmouth - - - -	-	Jamaica.
Rio Bueno - - - -	-	
St. Ann's - - - -	-	
Port Maria - - - -	-	
Annotto Bay - - -	-	
Port Antonio - - -	-	
Morant Bay - - - -	-	
Port Morant - - -	-	
Bridgetown - - - -	-	Barbadoes.
St. John's - - - -	-	Antigua.
Plymouth - - - -	-	Montserrat.
Basseterre - - - -	-	St. Kitt's.
Anguilla - - - -	-	Anguilla.
Charlestown - - - -	-	Nevis.
Road Harbour - - -	-	Tortola.
Castries - - - -	-	St. Lucia.
Roseau - - - -	-	Dominica.
Kingstown - - - -	-	St. Vincent.
St. George's - - - -	-	Grenada.
Port of Spain - - -	-	Trinidad.
San Fernando - - -	-	
Scarborough - - - -	-	Tobago.
George Town - - - -	-	Demerara - - -
New Amsterdam - -	-	Berbice - - -
Nassau - - - -	-	New Providence
Grand Key - - - -	-	Turk's Island - -
Pitt's Town - - - -	-	Crooked Island - -
Any port where there is a custom-house - - -	-	Bahamas.
Ports St. George's and Hamilton	-	
Quebec - - - -	-	Bermudas.
Halifax - - - -	-	Canada,
Pictou - - - -	-	Nova Scotia.
Liverpool - - - -	-	
Yarmouth - - - -	-	
Lunenburg - - - -	-	
Shelburne - - - -	-	
Digby - - - -	-	
Windsor - - - -	-	
Parrsboro' - - - -	-	
Cumberland - - - -	-	
New Edinburgh - -	-	
Arichat - - - -	-	
Sydney, Cape Breton	-	
Charlotte Town - -	-	Prince Edward's Island.
George Town - - - -	-	
St. John's - - - -	-	New Brunswick.
Miramichi - - - -	-	
Dalhousie - - - -	-	
St. Andrew's - - - -	-	
Magaguadavic - - -	-	
Campo Bello - - -	-	
St. John's - - - -	-	Newfoundland.
Harbour Grâce - -	-	

And

- And if any goods shall be imported into any port or place in any of the said Possessions contrary hereto, such goods shall be forfeited :
 Provided always, That if Her Majesty shall deem it expedient to extend the provisions of this Act to any port or ports not enumerated
 5 in the said Table, it shall be lawful for Her Majesty, by Order in Council, to extend the provisions of this Act to such port or ports ; and from and after the day mentioned in such Order in Council all the privileges and advantages of this Act, and all the provisions, penalties and forfeitures therein contained (subject nevertheless to the limitations
 10 and restrictions hereinafter provided) shall extend, and be deemed and construed to extend, to any such port or ports respectively, as fully as if the same had been inserted and enumerated in the said Table at the time of passing this Act : Provided also, That nothing hereinbefore contained shall extend to prohibit the importation or exportation of
 15 goods into or from any ports or places in Newfoundland or Labrador in British ships : Provided also, That it shall be lawful to import from the Islands of Guernsey and Jersey in British ships into any port or place in the British possessions in North America, at or from whence the British Fisheries in North America are carried on, any
 20 sort of craft, food, victuals (except spirits), and any sort of clothing and implements and materials fit and necessary for the said Fisheries, although such port or place be not a free port.

Her Majesty
may appoint
other Ports
to be Free
Ports.

Proviso for
articles from
Guernsey,
&c., for the
Fisheries.

- AND whereas there are in the said possessions many places situated in rivers and in bays at which it may be necessary to establish ports
 25 for particular and limited purposes only ; BE it therefore Enacted, That it shall be lawful for Her Majesty in any Order in Council made for the appointment of any free port, to limit and confine such appointments respectively to any and such purposes only as shall be expressed in such Order.

3.
Her Majesty
may appoint
Ports for
limited pur-
poses.

- AND whereas by the law of navigation foreign ships are permitted to import into any of the British possessions abroad from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any foreign country whatever : AND whereas it is expedient that such permission should
 30 be subject to certain conditions ; BE it therefore Enacted, That the privileges thereby granted to foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and
 40 navigation of this country and of its possessions abroad upon the footing of the most favoured nation, unless Her Majesty, by Her Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such
 534. foreign

4.
Limitation of
the privileges
of Foreign
Ships.

foreign country : Provided always, That no foreign country shall be deemed to have fulfilled the before-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until Her Majesty shall, by some Order or Orders by Her made or to be made by the advice of Her Privy Council, have declared that such foreign country hath so fulfilled the said conditions, and is entitled to the said privileges. 5

5.
This Act not
to affect
4 Geo. 4,
c. 77, and
5 Geo. 4,
c. 50, for
regulating
the Trade of
Foreign
Ships.

And be it Enacted, That nothing contained in this Act or any other Act passed in the present Session of Parliament, shall extend to repeal or in any way alter or affect an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to authorize his Majesty, under certain circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage," nor to repeal or in any way alter or affect an Act passed in the fifth year of the reign of his said late Majesty, among other things, to amend the last-mentioned Act; and that all trade and intercourse between the British possessions and all foreign countries, shall be subject to the powers granted to his said late Majesty by those Acts. 10 15

6.
Establishing
Prohibitions
as per Table.

And be it Enacted, That the several sorts of goods enumerated or described in the Table following, denominated "A Table of Prohibitions and Restrictions," are hereby prohibited to be imported or brought, either by sea or by inland carriage or navigation, into the British possessions in America or the Mauritius, or shall be so imported or brought only under the restrictions mentioned in such Table, according as the several sorts of such goods are set forth therein; (that is to say) 20 25

A TABLE of PROHIBITIONS and RESTRICTIONS.

Gunpowder :

Ammunition, arms or utensils of war :

[prohibited to be imported, except from the United Kingdom, or from some other British possession.] 30

Coffee	-	-	-	} being the produce or manufacture of any British possession within the limits of the East India Company's Charter (except and subject as hereinafter is provided), or, being of foreign produce or manufacture :	35
Sugar (not being refined in bond in the United Kingdom)	-	-	-		
Molasses	-	-	-		
Rum	-	-	-		

[prohibited to be imported into any of the British possessions on the continent of South America or in the West Indies (the Bahama and Bermuda Islands not included), or into the Mauritius, except to be warehoused for exportation only, and may also be prohibited to be imported into the Bahama or Bermuda Islands by Her Majesty's Order in Council.] 40

Base, or counterfeit coin :

[prohibited to be imported.]

And

And if any goods shall be imported or brought into any of the British possessions in America or the Mauritius, contrary to any of the prohibitions or restrictions mentioned in such Table in respect of such goods, the same shall be forfeited; and if the ship or vessel in which
 5 such goods shall be imported be of less burthen than *Sixty* Tons, such ship or vessel shall also be forfeited.

Goods im-
ported con-
trary hereto
forfeited.

Provided always, and be it Enacted, That it shall be lawful to im-
 port into any British possessions in the West Indies and South America,
 and into the Mauritius, any coffee, the produce of any British pos-
 10 sessions within the limits of the East India Company's Charter; and
 also any sugar, the produce of any British possession within the
 limits of the East India Company's Charter, into which the importa-
 tion of sugar, the produce of any foreign country, or of any British
 possession into which foreign sugar may be legally imported, has been
 15 prohibited; and also any rum, the produce of any British possession
 within the limits of the East India Company's Charter, into which the
 importation of rum, the produce of any foreign country, or of any
 British possession into which foreign sugar or rum may be legally
 imported, has been prohibited: Provided nevertheless, That no such
 20 coffee, sugar or rum shall be entered in any British possession in the
 West Indies, or South America, or in the Island of Mauritius,
 as being the produce of any British possession within the limits
 of the East India Company's Charter, from which the same may
 be so legally imported, unless the master of the ship importing
 25 the same shall have delivered to the Collector or principal officer
 of the Customs at the port of importation, such certificate of
 origin as hereinafter is mentioned, under the hand and seal of the
 proper officer at the place where the same shall have been taken on
 board; and such master shall also make and subscribe a declaration
 30 before the proper officer of the Customs, that such certificate was
 received by him at the place where such coffee, sugar or rum was
 taken on board, and that the coffee, sugar or rum so imported is
 the same as is mentioned therein; and such certificate of origin shall,
 as regards coffee, certify, that a declaration in writing had been made
 35 and signed before the officer giving such certificate, the contents of
 which he believed to be true, by the shipper of such coffee, that the
 same was really and bonâ fide the produce of some British possession;
 and such certificate of origin shall, as respects sugar, state the name
 of the district in which such sugar was produced, the quantity and
 40 quality thereof, the number and denomination of the packages con-
 taining the same, and the name of the ship in which they were laden,
 and of the master thereof, and the officer giving the same; the shipper
 of such sugar shall likewise certify that there had been produced
 a certificate under the hand and seal of the Collector or Assistant
 Collector of the Land or Customs Revenue of the district within
 which such sugar was produced, that such sugar was of the produce

7.
Coffee, Sugar
and Rum may
be imported
into the
British Pos-
sessions in the
West Indies
and South
America, and
the Mauritius
in certain
cases.

of such district, and that the importation into such district of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited; and such certificate of origin shall, as respects rum, state the name of the district in which such rum was produced, the quantity and strength thereof, the number and denomination of the packages containing the same, and the name of the ship in which they were laden, and of the master thereof, and shall also testify that there had been produced to the party giving such certificate, by the shipper of such rum, a certificate under the hand and seal of the collector or Assistant Collector of the Land or Customs Revenue of the district within which such rum was produced, that the same was the production of such district. 5 10

8.
Coffee, &c.
though
British,
deemed
Foreign in
certain cases.

And be it Enacted, That all coffee, sugar, molasses and rum (although the same may be of British plantations) exported from any of the British possessions in America, into which the like goods of foreign production can be legally imported, shall, upon subsequent importation from thence into any of the British possessions in America or the Mauritius, into which such goods, being of foreign production, cannot be legally imported, or into the United Kingdom, be deemed to be of foreign production, and shall be liable on such importation respectively to the same Duties or the same forfeitures as articles of the like description, being of foreign production, would be liable to, unless the same shall have been warehoused under the provisions of this Act, and exported from the warehouse direct to such other British possession, or to the United Kingdom, as the case may be. 15 20 25

9.
Foreign Re-
prints of
Books under
Copyright
prohibited.

And be it Enacted, That any books wherein the copyright shall be subsisting, first composed or written, or printed in the United Kingdom, and printed or re-printed in any other country, shall be and are hereby absolutely prohibited to be imported into the British possessions abroad: Provided always, That no such books shall be prohibited to be imported as aforesaid, unless the proprietor of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire; and the said Commissioners shall cause to be made and to be publicly exposed at the several ports in the British possessions abroad, from time to time printed lists of books, respecting which such notice shall have been duly given, and all books imported contrary thereto shall be forfeited. 30 35

10.
Foreign Ma-
nufactures
with British
Marks.

And be it Enacted, That if any articles of foreign manufacture, and any packages of such articles bearing any names, brands or marks of manufacturers resident in the United Kingdom, shall be imported into any of the British possessions abroad, the same shall be forfeited. 40

And

And be it Enacted, That there shall be raised, levied, collected and paid unto Her Majesty the several Duties of Customs as the same are respectively set forth in figures in the Table of Duties hereinafter contained, upon goods, wares and merchandize not being the growth,
 5 production or manufacture of the United Kingdom, or of any of the British possessions in America or of the Mauritius, or of any of the British possessions within the limits of the East India Company's Charter, or the produce of any of the British Fisheries imported or brought into any of the British possessions in America or the Mauri-
 10 tius by sea or inland carriage or navigation.

11.
 Import
 Duties im-
 posed.

TABLE OF DUTIES.

		s. d.
	Wheat Flour - - - - - the barrel of 196 lbs.	2 -
	Fish, of foreign taking or curing {dried or salted - the cwt.	2 -
	{pickled - - - the barrel	4 -
	Meat, salted or cured - - - - - the cwt.	3 -
15	Butter - - - - - "	8 -
	Cheese - - - - - "	5 -
	Coffee - - - - - "	5 -
	Cocoa - - - - - "	1 -
	Molasses - - - - - "	3 -
20	Sugar, unrefined - - - - - "	5 -
	Refined Sugar, the produce of and refined in } 20 per centum foreign countries } ad valorem.	
	Tea, unless imported direct from China, or unless imported from the United Kingdom, or from any } - per lb.	- 1
25	of the British possessions - - - - - }	
	SPIRITS:	
	Rum - - - - - per gallon	- 6
	Other Spirits and Cordials - - - - - "	1 -
30	Glass Manufactures - - - - - }	
	Silk Manufactures - - - - - }	15 per centum ad valorem.
	Spermaceti - - - - - }	
	Wine, whether bottled or not - - - - - }	
	Cotton Manufactures - - - - - }	
35	Linen - ditto - - - - - }	
	Woollen ditto - - - - - }	
	Leather ditto - - - - - }	
	Paper - ditto - - - - - }	
	Hardware - - - - - }	7 per centum ad valorem.
	Clocks and Watches - - - - - }	
40	Manufactured Tobacco - - - - - }	
	Soap - - - - - }	
	Candles, other than Spermaceti - - - - - }	
	Corks, Cordage and Oakum - - - - - }	
45	Oil, Blubber, Fins and Skins, the produce of fish and creatures living in the sea, of } 15 per centum ad valorem. foreign fishing - - - - - }	
	Articles not enumerated, except such as are comprised or referred to in the subjoined } 4 per centum ad valorem Table of Exemptions - - - - - }	
50	And if any of the goods hereinbefore charged with Duty, except Sugar, shall be imported through the United Kingdom (having been warehoused therein, and being exported from the warehouse, or the Duties thereon, if there paid, having been drawn back) - }	Such goods shall only be charged with <i>three-fourths</i> of the Duties hereinbefore im- posed.

TABLE of EXEMPTIONS.

Coin, Bullion and Diamonds.	Tortoiseshell.	
Horses, Mules, Asses, neat Cattle and all other live Stock.	Manures of all kinds.	
Hay and Straw.	Specimens illustrative of Natural History.	5
Tallow and Raw Hides.	Herrings, taken and cured by the inhabitants of the Isle of Man, and imported from thence.	
Salt.	Tea imported direct from China or from the United Kingdom, or from any British possession.	10
Rice.	Provisions and Stores of every de- scription imported or supplied for the use of Her Majesty's land and sea forces.	15
Corn and Grain unground.	All goods imported from the United Kingdom after having there paid the duties of consumption, and imported from thence without drawback.	20
Biscuit or Bread.		
Meal or Flour, except Wheat Flour.		
Fresh Meat.		
Fresh Fish.		
Fruit and Vegetables, fresh.		
Carriages of Travellers.		
Wood and Lumber.		
Cotton Wool.		
Hemp, Flax and Tow.		
Drugs.		
Gums and Resins.		

and also such of the following articles ; (namely)

Salted or cured Meat.	Pitch.	
Flour.	Tar.	
Butter.	Turpentine.	
Cheese.	Leather and Leather-ware.	25
Molasses.	Fisherman's Clothing and Hosiery.	
Corkwood.	Fishing Craft, Utensils, Instru- ments and Bait.	
Cordage.		
Oakum.		

as shall be imported for the use of the British Fisheries in America, 30
into any place at or from whence any such fishery is carried on.

12.
Commission-
ers of Cus-
toms may
make neces-
sary regula-
tions.

And be it Enacted, That the Commissioners of Customs, or the
principal officer of Customs at the place of importation, shall make and
establish such regulations as may be necessary for the purpose of
ascertaining that such articles as last aforesaid are bona fide intended 35
to be applied to the use of such fisheries, or that such provisions and
stores as aforesaid are bona fide imported or supplied for the use of
Her Majesty's land and sea forces.

13.
Import Duty
on Sugar
refined in
Bond.

And be it Enacted, That there shall be raised, levied, collected and
paid unto Her Majesty a Duty of *Ten Pounds* for every One hundred 40
Pounds of the value upon sugar refined in bond in the United King-
dom, not being of the growth of any of the British possessions in
America or of the Mauritius, or of any of the British possessions within
the limits of the East India Company's Charter imported into any of
the British possessions in America or into the Mauritius. 45

14.
Crown Goods
sold after
Importation
to be charged
with Duty.

And be it Enacted, That all goods, wares and merchandise, the
property of the Crown, shall, in case of the sale thereof after importa-
tion into any of the British possessions abroad, be liable to, and be
charged with, such and the same Duties of Customs as may by law be
payable or charged on the like goods, wares and merchandise, not
being the property of the Crown.

And

And be it Enacted, That if in any of the British possessions in America or the Mauritius any Duty be chargeable by any colonial law upon any articles being the growth, produce or manufacture of the United Kingdom, or of the British possessions in America, or the Mauritius, or of the British possessions within the limits of the East India Company's Charter, or the produce of the British fisheries, beyond the Duty (if any) chargeable by such colonial law upon similar foreign articles, a Duty equal to such excess or amount (as the case may be) of the Duties so chargeable by such colonial law upon such British articles shall be charged under this Act upon such foreign articles, in addition to the imperial Duties (if any) hereby imposed thereon; and that if in any of the British possessions in America or the Mauritius, any Duty be chargeable by any colonial law upon tea imported direct from China, or imported from the United Kingdom or any of the British possessions, beyond the Duty (if any) chargeable by such colonial law upon tea not so imported, the imperial Duty hereby imposed upon tea not so imported shall be increased by such excess or amount (as the case may be) of the Duties so chargeable by such colonial law upon tea imported direct from China, or imported from the United Kingdom, or from any of the British possessions.

15.
Duties imposed by this Act, to be increased in certain cases.

And be it Enacted, That it shall and may be lawful for Her Majesty, by and with the advice of Her Privy Council, by any Order or Orders in Council to be issued from time to time, to direct that any article described in such Order, being an article chargeable under this Act as an unenumerated article, with a Duty of Four per centum ad valorem, shall be added to the list of exemptions hereinbefore set forth, and shall be free from such Duty, and from and after the time mentioned in such order for the commencement of such exemption, not being less than Six Months from the date thereof, such exemption shall take effect, and such article shall thenceforth, whilst such Order shall continue in force, be free from such Duty accordingly; and any such Order may at any time be suspended or revoked by Her Majesty, with the advice of Her Privy Council by any other Order in Council.

16.
Power to Her Majesty, by Order in Council, to exempt certain Articles from Duty.

And be it Enacted, That all sums of money granted or payable under this Act as duties, penalties or forfeitures in the British possessions in America or the Mauritius, shall be deemed and are hereby declared to be sterling money of Great Britain, and shall be collected, recovered and paid to the amount of the value which such nominal sums bear in Great Britain, and such money may be received and taken in sterling money of Great Britain or in foreign coins, at such rates as shall be equivalent to sterling money of Great Britain, and which shall have been fixed by any proclamation issued by Her Majesty; and all Duties under this Act shall be paid and received in every part of the British possessions in America and in the Mauritius according to the imperial weights and measures now by law

17.
Money levied under this Act to be Sterling Money of Great Britain.

Duties to be levied according to Imperial Weights and Measures.

To be under
the manage-
ment of the
Commission-
ers of Cus-
toms.

18.
Net Produce
of Duties how
to be applied.

established; and in all cases where such Duties are imposed according to any specific quantity, or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value; and all such Duties shall be under the management of the Commissioners of Her Majesty's Customs.

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And be it Enacted, That the net produce of the Duties so received by the means and powers of this Act, shall be paid by the Collector of the Customs into the hands of the Treasurer or Receiver General of the colony, or other proper officer authorized to receive the same in the colony in which the same shall be levied, to be applied to such uses as shall be directed by the local legislatures of such colonies respectively; and that the produce of such Duties so received as afore-said in the colonies which have no local legislature, shall and may be applied in such manner as shall be directed by the Commissioners of Her Majesty's Treasury.

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19.
Goods from
the Channel
Islands.

And be it Enacted, That goods, the produce or manufacture of the Islands of Guernsey, Jersey, Alderney or Sark, when imported from such Islands into the British possessions in America or the Mauritius, shall be admitted to entry upon payment of the same Duties as are payable upon the like goods, the produce or manufacture of the United Kingdom, or of any of the said Possessions, upon production to the principal officer of Customs at the port of importation of the proofs now required by law that such goods are the production or manufacture of the Islands aforesaid.

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20.
All British
Vessels shall
be subject to
equal Duties
in the
Colonies,
except coast-
ing Vessels.

AND whereas in some of Her Majesty's possessions abroad certain Duties of tonnage are, by Acts of the local legislatures of such possessions, made payable in respect of or are levied upon British vessels, to which Duties the like vessels built within such possessions, or owned by persons resident there, are not subject; BE it further Enacted, That there shall be levied and paid at the several British possessions abroad upon all vessels built in any such possessions, or owned by any person or persons there resident, other than coasting or drogueing vessels employed in coasting or drogueing, all such and the like Duties of tonnage and shipping as are or shall be payable in any such possessions upon the like British vessels built in other parts of Her Majesty's dominions, or owned by persons not resident in such possessions.

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21.
Ship and
cargo to be
reported on
arrival.

Particulars of
Report.

And be it Enacted, That the master of every ship arriving in any of the British possessions in America or the Mauritius, or the Islands of Guernsey, Jersey, Alderney or Sark, whether laden or in ballast, shall come directly and before bulk be broken to the Custom House for the port or district where he arrives, and there make a report in writing to the Collector or Comptroller, or other proper officer, of the arrival and voyage

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voyage of such ship, stating her name, country and tonnage, and if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship, and whether she be laden or in ballast, and if laden, the marks, numbers and contents of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any and what goods, if any, had been unladen during the voyage, as far as any such particulars can be known to him ; and the master shall further answer all such questions concerning the ship and cargo, and the crew and the voyage, as shall be demanded of him by such officer, and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of *One hundred Pounds*, and if any goods be not reported, such goods shall be forfeited.

Penalty for false Report.

And be it Enacted, That the master of every ship bound from any British possession abroad, except the territories subject to the government of the Presidencies of Fort William in Bengal, Fort Saint George and Bombay, shall, before any goods be laden therein, deliver to the Collector or Comptroller, or other proper officer, an entry outwards under his hand of the destination of such ship, stating her name, country and tonnage, and, if British, the port of Registry, the name and country of the Master, the country of the owners, the number of the crew, and how many are of the country of such ship, and if any goods be laden on board any ship before such entry be made, the master of such ship shall forfeit the sum of Fifty Pounds, and before such ship depart the master shall bring and deliver to the Collector or Comptroller, or other proper officer, a content in writing under his hand of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content, as far as any of such particulars can be known to him, and the master of every ship bound from any such possession, whether in ballast or laden, shall, before departure, come before the Collector or Comptroller, or other proper officer, and answer all such questions concerning the ship and the cargo, if any, and the crew and the voyage, as shall be demanded of him by such officer ; and thereupon the Collector and Comptroller, or other proper officer, if such ship be laden, shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be ; and if the ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of One hundred Pounds.

22.
Entry outwards of Ship for Cargo.

Particulars of Entry.

Penalty £.50.

Content of the cargo to be delivered before departure.

Clearance of Ship for the voyage.

Penalty for not clearing £.100.

23.
Goods not
stated in
certificate to
be produce of
British Pos-
session, to be
deemed of
Foreign
Production.

And be it Enacted, That no goods shall be stated in such certificate of clearance of any ship from any British possession to be the produce of such possession, unless such goods shall have been expressly stated so to be in the entry outwards of the same, and that all goods not expressly stated in such certificate of clearance to be the produce of such possession, shall, at the place of importation in any other such possession or in the United Kingdom, be deemed to be of foreign production.

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24.
Clearing
officers to as-
certain and
certify that
the cargo of
certain ships
is below
deck.

And be it Enacted, That before any clearing officer permits any vessel wholly or in part laden with timber or wood goods to clear out from any British port in North America, or in the settlement of Honduras, for any port in the United Kingdom, at any time after the First day of September, or before the First day of May in any year, he shall ascertain that the whole of the cargo of such vessel is below deck, and shall give the captain or other person having command of such vessel a certificate to that effect; and no captain or other person having command of any vessel so laden as aforesaid, shall sail from any of the ports aforesaid for any port of the United Kingdom, at any such time as aforesaid, until he has obtained such a certificate as aforesaid from the clearing officer.

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Captains of
such ships
not to sail
without certi-
ficate.

25.
No part of the
cargo of such
ship to be
placed on
deck.

And be it Enacted, That no captain, owner, supercargo or other person having command of any vessel in respect of which such certificate as aforesaid has been obtained, shall place, or permit or cause to be placed, or to remain or be upon or above the deck of such vessel, any part of the cargo thereof, until such vessel has arrived at the port of her destination: Provided always, That if the captain or other person having command of any such vessel consider that it is necessary, in consequence of the springing a leak or of other damage received or apprehended during the voyage, to remove any portion of the cargo upon deck, he may remove or cause to be removed upon the deck of such vessel so much of the cargo, and may permit the same to remain there for such time as he considers expedient: Provided also, That the store spars or other articles necessary for the vessel's use shall not be taken to be cargo for the purposes of this Act.

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Proviso for
removal of
cargo in cases
of leakage or
damage.

Stores not
taken to be
cargo.

26.
Penalty.

And be it Enacted, That if any captain or other person having the command of any vessel for which such certificate as aforesaid is hereby required, sails or attempts to sail without having obtained such certificate, or places or permits, or causes to be placed or to remain or be upon or above the deck of such vessel, any part of the cargo thereof, except in the cases in which the same is not hereby forbidden, he shall for every offence forfeit and pay any sum not exceeding *One hundred Pounds*.

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27.
Certain pro-
duce of the
State of Maine

AND whereas a Treaty has been concluded between Her Majesty and the United States of America, dated the Ninth day of August, in the

the

the year One thousand eight hundred and Forty-two, whereby it is stipulated that all the produce of the forest in logs, lumber, timber, timber boards, staves or shingles, or of agriculture not being manufactured, grown on any of those parts of the state of Maine, watered by the river Saint John, or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the state of Maine, to and from the seaport at the mouth of the river Saint John, and to and round the falls of the said river, either by boats, rafts or other conveyance; and that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province: AND whereas it is the intention of the High Contracting Parties to the said Treaty that the aforesaid produce should be dealt with as if it were the produce of the province of New Brunswick; BE it therefore Enacted, That the produce in the said recited Treaty and hereinbefore described shall, so far as regards all laws relating to duties, navigation and customs in force in the United Kingdom, or in any of Her Majesty's dominions, be deemed and taken to be and be dealt with as the produce of the province of New Brunswick: Provided nevertheless, That in all cases in which declarations and certificates of production or origin and certificates of clearance would be required in respect of such produce, if it were the produce of New Brunswick, similar declarations and certificates shall be required in respect of such produce, and shall state the same to be the produce of those parts of the state of Maine which are watered by the river Saint John, or by its tributaries.

to be treated
as the produce
of New
Brunswick.

Provided always, and be it Enacted, That whenever a ship shall be cleared out from any port in Newfoundland, or in any other part of Her Majesty's dominions for the Fisheries on the banks or coasts of Newfoundland or Labrador, or the dependencies thereof, without having on board any article of traffic (except only such provisions, nets, tackle and other things as are usually employed in and about the said fishery, and for the conduct and carrying on of the same) the master of any such ship shall be entitled to demand from the Collector or other principal officer of the Customs at such port a certificate under his hand, that such ship hath been specially cleared out for the Newfoundland Fishery; and such certificate shall be in force for the fishing season for the year in which the same may be granted, and no longer; and upon the first arrival in any port in the said colony of Newfoundland, or its dependencies, of any ship having on board any such certificate as aforesaid, a report thereof shall be made by the master of such ship to the principal officer of Customs at such port, and all ships having such certificate which has been so reported, and being actually engaged in the said fishery, or in carrying coastwise to be landed or put on board any other ships engaged in the said fishery any

28.
Newfound-
land Fishing
Certificates in
lieu of clear-
ance during
the Fishing
Season.

fish, oil, salt, provisions or other necessities for the use and purposes thereof, shall be exempt from all obligation to make an entry at or obtain any clearance from any Custom-house at Newfoundland, upon arrival or departure from any of the ports or harbours of the said colony or its dependencies, during the continuance of the fishing season for which such certificate may have been granted, and previously to obtaining a clearance at the end of such season, for any voyage at any of such ports, the Master of such ship shall deliver up the before-mentioned certificate to the principal officer of the Customs of such port: Provided always, That in case any such ship shall have on board, during the time the same may be engaged in the said fishery, any goods or merchandizes whatsoever other than fish, seals, oil made of fish or seals, salt, provisions and other things, being the produce of or usually employed in the said fishery, such ship shall forfeit the said fishing certificate, and shall thenceforth become and be subject and liable to all such and the same rules, restrictions and regulations as ships in general are subject or liable to.

At the end of the Season the Certificate to be delivered up.

Ships trading to forfeit their Certificate.

29.
Entry of goods to be laden or unladen.

Regulations inwards and outwards.

Regulations coastwise.

Forfeiture.

30.
Commissioners of Customs may declare Trade between neighbouring Colonies a Coasting Trade.

And be it Enacted, That no goods shall be laden or waterborne to be laden on board any ship, or unladen from any ship in any of the British possessions in America or the Mauritius, or the Islands of Guernsey, Jersey, Alderney or Sark, until due entry shall have been made of such goods, and warrant granted for the lading or unlading of the same; and that no goods shall be so laden or waterborne or so unladen, except at some place at which an officer of the Customs is appointed to attend the lading and unlading of goods, or at some place for which a sufferance shall be granted by the Collector and Comptroller, or other principal officer, for the lading and unlading of such goods; and that no goods shall be so laden or unladen, except in the presence or with the permission in writing of the proper officer: Provided always, That it shall be lawful for the Commissioners of Her Majesty's Customs to make and appoint such other regulations for the carrying coastwise of any goods, or for the removing of any goods for shipment as to them shall appear expedient; and that all goods laden, water-borne or unladen contrary to the regulations of this Act, or contrary to any regulations so made and appointed, shall be forfeited.

And be it Enacted, That whenever it shall appear to the Commissioners of Her Majesty's Customs expedient to establish a coasting-trade for the removal of goods generally, or for the removal of any particular goods between neighbouring ports of different colonies similarly circumstanced in respect of Duties in any of the British possessions abroad, it shall be lawful for the said Commissioners to issue directions for that purpose, and from and after the publication thereof in the Gazette, or other public paper printed in the said colonies, to which

which such coasting trade has been extended, the same shall come into and be in full force and effect ; and such coasting trade shall be subject to the like rules, regulations, penalties and forfeitures as the said Commissioners are authorized to make for the carrying coastwise of
5 any goods under the provisions of this Act.

And be it Enacted, That the person entering any goods shall deliver to the Collector or Comptroller, or other proper officer, a bill of the entry thereof, fairly written in words at length, containing the name of the exporter or importer, and of the ship and of the master,
10 and of the place to or from which bound, and of the place within the port where the goods are to be laden or unladen, and the particulars of the quality and quantity of the goods, and the packages containing the same, and the marks and numbers on the packages, and setting forth whether such goods be the produce of the British possessions in
15 America or not ; and shall also deliver at the same time one or more duplicates of such bill, in which all sums and numbers may be expressed in figures, and the particulars to be contained in such bill of entry shall be written and arranged in such form and manner, and the number of such duplicates shall be such as the Collector or other principal officer shall require, and such person shall at the same time pay
20 down all duties due upon the goods ; and the Collector and Comptroller, or other proper officer, shall thereupon grant their warrant for the lading or unlading of such goods.

Provided always, and be it Enacted, That where there is no Collector or Comptroller, or officer of Customs, at the port or place of
25 shipment of such goods, then the principal civil officer in the service of Her Majesty at such place, or his sufficient representative, shall be deemed and taken to be the proper officer for the performance of all such duties, with respect to such goods, as are hereby required to be
30 performed by the Collector, or other officer or officers of Customs.

And be it Enacted, That if the importer of any goods shall make and subscribe a declaration before the Collector or Comptroller, or other proper officer, that he cannot, for want of full information, make perfect entry thereof, it shall be lawful for the Collector and Comptroller or other proper officer to receive an entry by bill of sight for the
35 packages or parcels of such goods, by the best description which can be given, and to grant a warrant thereupon, in order that the same may be landed and secured, to the satisfaction of the officer of the Customs, and at the expense of the importer, and may be seen and examined by such
40 importer, in the presence of the proper officers ; and within Three Days after the goods shall have been so landed, the importer shall make a perfect entry thereof, and pay down all Duties due thereon ;

534.

B 4

and

31.
Particulars of
Entry of
Goods In-
wards and
Outwards.

32.
If no Officer
of Customs
resident at the
Port of Ship-
ment, the
Certificate of
Clearance to
be granted by
the principal
Civil Officer.

33.
Entry In-
wards by Bill
of Sight.

Within Three
Days after
landing of
Goods,
perfect Entry

to be made
and Duties
paid.

and in default of such entry, such goods shall be taken to the Queen's warehouse; and if the importer shall not, within One Month after such landing, make perfect entry of such goods, and pay the Duties due thereon, together with charges of removal and warehouse rent, such goods shall be sold for the payment thereof, and the overplus (if any) shall be paid to the proprietor of the goods. 5

34.
Goods subject
to ad-valorem
Duty.

Value to be
declared on
Entry.

And be it Enacted, That in all cases where the Duties imposed by this Act upon the importation of articles into Her Majesty's possessions in America or the Mauritius are charged not according to the weight, tale, gauge or measure, but according to the value thereof, such value shall be ascertained by the declaration of the importer of such articles, or his known agent, in manner and form following; (that is to say) 10

" I, A. B., do hereby declare, that the articles mentioned in the entry, and contained in the packages [here specifying the several packages, and describing the several marks and numbers, as the case may be] are of the value of 15
Witness my hand the day of

" A. B.

" The above Declaration signed the day of in the presence of 20
C. D., Collector, [or other principal officer.]"

Mode of pro-
ceeding if the
Goods be
under valued.

Proof of
Invoice Price.

If necessary,
two Persons

which declaration shall be written on the bill of entry of such articles, and shall be subscribed with the hand of the importer thereof, or his known agent, in the presence of the Collector or other principal officer of the Customs at the port of importation; provided, that if upon view and examination of such articles by the proper officer of the Customs it shall appear to him that the said articles are not valued according to the true price or value thereof, and according to the true intent and meaning of this Act, then and in such case the importer or his known agent shall be required to declare on oath before the Collector or Comptroller what is the invoice price of such articles, and that he verily believes such invoice price is the current value of the articles at the place from whence the said articles were imported; and such invoice price, with the addition of Ten Pounds per centum thereon, shall be deemed to be the value of the articles, in lieu of the value so declared by the importer or his known agent, and upon which the Duties imposed by this Act shall be charged and paid: Provided also, That if it shall appear to the Collector and Comptroller, or other proper officer, that such articles have been invoiced below the real and true value thereof at the place from whence the same were imported, or if the invoice price is not known, the 25 30 35 40

the articles shall in such case be examined by Two competent Persons, to be nominated and appointed by the Governor or Commander-in-Chief of the colony, plantation or island into which the said articles are imported ; and such persons shall declare on oath before the Collector or Comptroller, or other proper officer, what is the true and real value of such articles in such colony, plantation or island ; and the value so declared on the oaths of such persons shall be deemed to be the true and real value of such articles, and upon which the Duties imposed by this Act shall be charged and paid.

may be nominated to fix the Price.

- 10 And be it Enacted, That if the importer of such articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector or other chief officer of the Customs where such articles shall be imported, and he is hereby required to take and secure the same, with the casks or other package thereof, and
- 15 to cause the same to be publicly sold within the space of *Twenty* Days at the most after such refusal made, and at such time and place as such officer shall by *Four* or more Days' public notice appoint for that purpose, which articles shall be sold to the best bidder ; and the money arising from the sale thereof shall be applied, in the first place,
- 20 in payment of the said Duties, together with the charges that shall have been occasioned by the said sale ; and the overplus, if any, shall be paid to such importer or proprietor, or any other person authorized to receive the same.

35.
If Importer refuse to pay such Duty, the Goods may be sold.

- And be it Enacted, That every importer of any goods shall, within
- 25 *Twenty* Days after the arrival of the importing ship, make due entry inwards of such goods, and land the same ; and in default of such entry and landing, it shall be lawful for the officers of the Customs to convey such goods to the Queen's warehouse ; and if the Duties due upon such goods be not paid within *Three* Months after such
- 30 *Twenty* Days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied first to the payment of freight and charges, next of Duties, and the overplus, if any, shall be paid to the proprietor of the goods or any other person authorized to receive the same.

36.
If Goods be not entered in *Twenty* Days, the Officer may land and secure them.

If Duties be not paid within *Three* Months, Goods to be sold.

- 35 And be it Enacted, That every act, matter or thing required by any law at any time in force to be done or performed by to or with the Collector and Comptroller of Customs in any of Her Majesty's possessions abroad, shall and may be done or performed at such ports or places where there is no Comptroller of Customs, by to or
- 40 with the Collector or other principal officer of Customs ; and every such act, matter or thing so done or performed by to or with such Collector or other principal officer of Customs, shall be as valid and

37.
In Places where there is no Comptroller of Customs, acts done by Collector or principal Officer alone, to be valid.

effectual in law as if the same had been done and performed by to or with any Collector and Comptroller of Customs under any law now in force, or hereafter to be made.

38.
Goods im-
ported from
United King-
dom or from
British Pos-
sessions, must
appear in
Cocket, &c.

And be it Enacted, That no goods shall be imported into any British possession as being imported from the United Kingdom, or 5
from any other British possession (if any advantage attach to such distinction), unless such goods appear upon the cockets or other proper documents for the same to have been duly cleared outwards at the port of exportation in the United Kingdom, or in such other British possession, nor unless the ground upon which such advantage be 10
claimed be stated in such cocket or document.

39.
Goods, when
to be deemed
of the growth
of United
Kingdom, &c.

And be it Enacted, That no goods shall, upon importation into any of the British possessions in America or the Mauritius, be deemed to be of the growth, production or manufacture of the United Kingdom, or of any British possession in America or the Mauritius respectively, 15
unless imported from the United Kingdom, or from some British possession in America or the Mauritius respectively.

40.
Entry not to
be valid if
Goods be not
properly
described in
it.

And be it Enacted, That no entry nor any warrant for the landing of any goods or for the taking of any goods out of any warehouse, shall be deemed valid, unless the particulars of the goods and packages in 20
such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, or in the certificate or other document, where any is required, by which the importation or entry of such goods is authorized, nor unless the goods shall have been properly described in such entry by the denominations 25
and with the characters and circumstances according to which such goods are charged with Duty or may be imported; and any goods taken or delivered out of any ship or out of any warehouse by virtue of any entry or warrant not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to 30
be goods landed or taken without due entry thereof, and shall be forfeited.

41.
Certificate of
production for
Sugar, Coffee,
Cocoa or
Spirits.

Declaration
of the
Grower.

And be it Enacted, That before any sugar, coffee, cocoa or spirits shall be shipped for exportation in any British possession in America, or in the Island of Mauritius, as being the produce of such possession, 35
or of the said island, the proprietor of the estate on which such goods were produced, or his known agent, shall make and sign a declaration in writing before the Collector, Comptroller or other officer of Customs at the port of exportation, or before One of Her Majesty's Justices of the Peace residing in or near the place where such estate is situated, declaring that such goods are the produce of such estate; and such
declaration

- declaration shall set forth the name of the estate, and the description and quantity of the goods and the packages containing the same, with the marks and numbers thereon, and the name of the person to whose charge at the place of shipment they are to be sent ; and if any Justice
- 5 of the Peace or other officer aforesaid shall subscribe his name to any writing purporting to be such a declaration, unless the person purporting to make the same shall actually appear before him, and shall declare to the truth of the same, such Justice of the Peace or officer aforesaid shall forfeit and pay for any such offence the sum of *Fifty*
- 10 *Pounds* ; and the person entering and shipping such goods shall deliver such declaration to the Collector or Comptroller or other proper officer, and shall make and subscribe a declaration before him that the goods which are to be shipped by virtue of such entry are the same as are mentioned in such first-mentioned declaration ; and the master
- 15 of the ship in which such goods shall be laden shall, before clearance, make and subscribe a declaration before the Collector or Comptroller or other proper officer that the goods shipped by virtue of such entry are the same as are mentioned and intended in such first-mentioned declaration, to the best of his knowledge and belief ; and thereupon
- 20 the Collector and Comptroller or other proper officer shall sign and give to the master a certificate of production, stating that proof has been made in manner required by law that such goods (describing the same) are the produce of such British possession or of the said island, and setting forth in such certificate the name of the exporter, and of
- 25 the exporting ship, and of the master thereof, and the destination of the goods ; and if any sugar, coffee, cocoa or spirits be imported into any British possession in America as being the produce of some other such possession, or of the said island, without such certificate of production, the same shall be forfeited.
- 30 And be it Enacted, That before any sugar, coffee, cocoa or spirits shall be shipped for exportation in any British possession in America, as being the produce of some other such possession, the person exporting the same shall in the entry outwards state the place of production, and refer to the entry inwards and landing of such goods, and shall
- 35 make and subscribe a declaration before the Collector or Comptroller to the identity of the same ; and thereupon if such goods shall have been duly imported with a certificate of production, within *Twelve* Months prior to the shipping for exportation, the Collector and Comptroller shall sign and give to the master a certificate of production,
- 40 founded upon and referring to the certificate of production under which such goods had been so imported, and containing the like particulars, together with the date of such importation.

Declaration
of Exporter.

Declaration
of the Master.

42.
Certificate of
production on
re-exporta-
tion from
another
colony.

43.
Goods
brought over
Land or by
inland Navi-
gation.

AND whereas it is expedient to make regulation respecting the inland trade of the British possessions in America ; BE it therefore

Enacted, That it shall be lawful to bring or import by land or by inland navigation into any of the British possessions in America from any adjoining foreign country, any goods which might be lawfully imported by sea into such possession from such country, and so to bring or import such goods in the vessels, boats or carriages of such country, as well as in British vessels, boats or carriages. 5

44.
What vessels
shall be
deemed
British on the
Lakes in
America.

And be it Enacted, That no vessel or boat shall be admitted to be a British vessel or boat on any of the inland waters or lakes in America, except such as shall have been built at some place within the British dominions, and shall be wholly owned by British subjects, and shall not have been repaired at any foreign place to a greater extent than in the proportion of *Ten Shillings* for every Ton of such vessel or boat at any one time : Provided always, That nothing hereinbefore contained shall extend to prevent the employment of any vessel or boat as a British vessel or boat on such inland waters or lakes, which shall have wholly belonged to British subjects, before the Fifth day of July One thousand eight hundred and Twenty-five, and which shall not have been since that day repaired as aforesaid in any foreign place. 10 15

45.
Goods must
be brought to
a place where
there is a
Custom
House.

Governor
may appoint
Custom
Houses.

Provided always, and be it Enacted, That it shall not be lawful so to bring or import any goods, except into some port or place of entry at which a Custom House now is or hereafter may be lawfully established : Provided also, That it shall be lawful for the Governor, Lieutenant-Governor, or person administering the government of any of the said possessions respectively, by and with the advice and consent of the executive council thereof for the time being, if any executive council be there established, from time to time to diminish or increase, by proclamation, the number of ports or places of entry which are or hereafter may be appointed in such province, for the entry of goods brought or imported as aforesaid. 20 25

46.
Duties to be
collected in
same manner
as on Goods
imported by
Sea.

And be it Enacted, That the Duties imposed by this Act shall be ascertained, levied and recovered for and upon all goods so brought or imported, in the same manner and by the same means and under the same rules, regulations, restrictions, penalties and forfeitures, as the Duties on the like goods imported by sea may and can be ascertained, levied or recovered, as far as the same are applicable ; and if any goods shall be brought or imported contrary hereto, or if any goods so brought or imported shall be removed from the station or place appointed for the examination of such goods by the officers of the Customs, before such examination shall have been made, and before all Duties payable thereon shall have been paid or satisfied, such goods shall be forfeited, together with the vessel, boat or carriage, and the horses or other cattle in or by which such goods shall have been so imported or brought or so removed. 30 35 40

And

And be it Enacted, That the same tonnage Duties shall be paid upon all vessels or boats of the United States of America, importing any goods into either of the provinces of Upper or Lower Canada, as are or may be for the time being payable in the United States of America, on British vessels or boats entering the harbours of the state from whence such goods shall have been imported.

47.
Duties in Canada on American Boats to be the same as in America on British Boats.

AND whereas it is expedient to constitute and appoint some of the free ports and other ports in America to be free warehousing ports, or to be warehousing ports for all or any of the goods which may be legally imported into the said ports respectively, and it is also expedient to empower Her Majesty to constitute and appoint from time to time any other ports in any of the said British possessions in America, to be in like manner warehousing ports for such goods as may be legally imported into such ports respectively, and it is therefore necessary to make regulations for the appointing of proper warehouses at such ports, and for the lodging and securing of goods therein; BE it therefore Enacted, That the several ports hereinafter mentioned; (that is to say)

48.
Ports herein mentioned to be free warehousing Ports.

	Kingston - - -	- }	Jamaica.
	Montego Bay - - -	- }	
20	Falmouth - - -	- }	Barbadoes.
	Bridgetown - - -	- }	Antigua.
	St. John's - - -	- }	Montserrat.
	Plymouth - - -	- }	St. Kitt's.
	Basseterre - - -	- }	Nevis.
25	Charlestown - - -	- }	Tortola.
	Road Harbour - - -	- }	St. Lucia.
	Castries - - -	- }	Dominica.
	Roseau - - -	- }	St. Vincent.
	Kingstown - - -	- }	Grenada.
30	St. George's - - -	- }	Trinidad.
	Port of Spain - - -	- }	Tobago.
	Scarborough - - -	- }	Demerara - }
	George Town - - -	- }	Berbice - }
	New Amsterdam - - -	- }	New Providence }
35	Nassau - - -	- }	Turk's Island }
	Grand Key - - -	- }	Bahamas.
	Hamilton - - -	- }	Bermudas.
	St. George's - - -	- }	
	Halifax - - -	- }	
40	Pictou - - -	- }	
	Liverpool - - -	- }	
	Yarmouth - - -	- }	Nova Scotia.
	Digby - - -	- }	
	Sydney, Cape Breton - - -	- }	
45	Arichat - - -	- }	
	St. John's - - -	- }	New Brunswick.
	St. Andrew's - - -	- }	
	Welchpool - - -	- }	Campo Bello.
	Quebec - - -	- }	Canada.
50	St. John's - - -	- }	Newfoundland.
	Harbour Grace - - -	- }	
	Charlotte Town - - -	- }	Prince Edward's Island.

shall be free warehousing ports for all the purposes of this Act; and that

Kingston	-	-	-	-	} in Canada.
Toronto	-	-	-	-	
Hamilton	-	-	-	-	
and Montreal	-	-	-	-	

5

shall be warehousing ports for the warehousing of goods brought by land or inland navigation, or imported in British ships ; and that it shall be lawful for the several Collectors and Comptrollers of the said ports respectively, by notice in writing under their hands, to appoint from time to time such warehouses at such ports respectively as shall be approved of by them for the free warehousing and securing of goods therein for the purposes of this Act, and also in such notice to declare what sorts of goods may be so warehoused, and also by like notice to revoke or alter any such appointment or declaration : Provided always, That every such notice shall be transmitted to the Governor of the place, and shall be published in such manner as he shall direct.

49.
Goods may
be ware-
housed with-
out payment
of Duty.

And be it Enacted, That it shall be lawful for the importer of any such goods into the said ports to warehouse the same in the warehouses so appointed without payment of any Duty on the first entry thereof, subject nevertheless to the rules, regulations, restrictions and conditions hereinafter contained.

50.
Regulation as
to ware-
housing of
Goods on
arrival in
Canada.

And be it Enacted, That upon the arrival of any goods at any frontier port in the Canadas, such goods may be entered with the proper officer of the Customs at such port, to be warehoused at some warehousing port in the Canadas, and may be delivered by such officer to be passed on to such warehousing port under bond, to the satisfaction of such officer, for the due arrival and warehousing of such goods at such port.

51.
Stowage of
Goods in
Warehouse.
Locking and
opening
Warehouse.

And be it Enacted, That all goods so warehoused shall be stowed in such parts or divisions of the warehouse, and in such manner as the Collector and Comptroller shall direct, and that the warehouse shall be locked and secured in such manner, and shall be opened and visited only at such times and in the presence of such officers, and under such rules and regulations as the Collector and Comptroller shall direct ; and that all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, or for stores, be carried to be shipped, under such rules and regulations as the Collector and Comptroller shall direct.

Carrying
Goods to and
from Ware-
house.

52.
Bond upon
entry of Goods
to be ware-
housed.

And be it Enacted, That upon the entry of any goods to be warehoused, the importer of such goods, instead of paying down the Duties due thereon, shall give bond with Two sufficient Sureties, to be approved of by the Collector or Comptroller, in Treble the Duties payable

40

payable on such goods, with condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the payment of all Duties due upon such goods, or for the exportation thereof, or shipment thereof, as stores, according to the first account taken
 5 of such goods upon the landing of the same; and with further condition, that no part thereof shall be taken out of such warehouse until cleared from thence upon due entry and payment of Duty, or upon due entry for exportation or for shipment as stores; and with further condition, that the whole of such goods shall be so cleared
 10 from such warehouse, and the Duties upon any deficiency of the quantity, according to such first account, shall be paid within Two Years from the date of the first entry thereof; and if after such bond shall have been given, the goods, or any part thereof, shall be sold or disposed of, so that the original bonder shall be no longer interested
 15 in or have any control over the same, it shall be lawful for the Collector and Comptroller to admit fresh security to be given by the bond of the new proprietor or other person having control over such goods, with his sufficient sureties, and to cancel the bond given by the original bonder of such goods, or to exonerate him to the extent of the
 20 fresh security so given.

Purchaser of Goods may give Bond in lieu of original Bond.

And be it Enacted, That if any goods which have been entered to be warehoused shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation, or for shipment as stores, from the warehouse, shall not be duly
 25 carried and shipped, or shall afterwards be relanded, except with the permission of the proper officer of the Customs, such goods shall be forfeited.

53. Goods not duly warehoused, &c. to be forfeited.

And be it Enacted, That upon the entry and landing of any goods to be warehoused, the proper officer of the Customs shall take a particular account of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry and under the
 30 care of the proper officers for exportation, or for stores, or upon due entry and payment of Duty for home use; and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out of the quantity
 35 upon which the Duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages (if any) which may have
 40 been

54. Account of Goods to be taken on landing.

No goods to be taken out without Entry.

Deficiencies to be ascertained.

Duties to be
paid upon
Deficiencies.

been abandoned for Duties ; and if upon such account there shall in either case appear to be any deficiency of the original quantity, the Duty payable upon the amount of such deficiency shall then be paid.

55.
Samples may
be taken.

And be it Enacted, That it shall be lawful for the Collector and Comptroller, under such regulations as they shall see fit, to permit moderate samples to be taken of any goods so warehoused without entry, and without payment of duty, except as the same shall eventually become payable, as on a deficiency of the original quantity. 5

56.
Goods may be
sorted and
re-packed.

And be it Enacted, That it shall be lawful for the Collector and Comptroller, under such regulations as they shall see fit, to permit the proprietor or other person having control over the goods so warehoused, to sort, separate and pack and repack any such goods, and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment or legal disposal of the same, and also to permit any parts of such goods so separated to be destroyed, but without prejudice to the claim for Duty upon the whole original quantity of such goods : Provided always, That it shall be lawful for any person to abandon any whole packages to the officers of the Customs for the Duties, without being liable to any Duty upon the same. 10 15 20

Duty due on
first quantity.

Whole Pack-
ages may be
abandoned for
Duty.

57.
Goods ware-
housed may
be delivered
for removal
without pay-
ment of Duty.

And be it Enacted, That goods warehoused at any warehousing port in any of the British possessions in America, being first duly entered, may be delivered under the authority of the proper officer of Customs without payment of Duty, except any deficiency thereof, for the purpose of removal to another warehousing port in the same possession, under bond, to the satisfaction of such officer, for the due arrival and re-warehousing such goods at such other port. 25

58.
All Goods to
be cleared
within Two
Years, or sold.

And be it Enacted, That all goods which have been so warehoused or re-warehoused shall be duly cleared, either for exportation or for home consumption, within *Two* Years from the day of first entry for the warehousing thereof ; and if any such goods be not so cleared, it shall be lawful for the Collector and Comptroller to cause the same to be sold, and the produce shall be applied, first to the payment of the Duties, next of warehouse-rent and other charges, and the overplus (if any) shall be paid to the proprietor : Provided always, That it shall be lawful for the Collector and Comptroller to grant further time for any such goods to remain warehoused, if they shall see fit so to do : Provided also, That foreign salted beef or pork so warehoused or re-warehoused, may be delivered into the charge of a searcher or other proper officer of Customs, to be shipped as stores ; and such beef and pork shall and may be so shipped, without entry or payment of any Duty, 30 35 40

Further Time
may be
granted.

Foreign
salted Beef or
Pork may be
shipped as
Stores.

Duty, for every ship of the burthen of *Sixty* Tons at least, bound upon a voyage to foreign parts, the probable duration of which, out and home, will not be less than *Forty* Days; and such foreign beef or pork so shipped shall be deemed to be exported: Provided also, That such
 5 foreign beef and pork shall be duly borne upon the ship's clearance, and shall be shipped in such quantities, and subject to such directions and regulations as the Collector or other chief officer of Customs at the port of shipment shall appoint: Provided also, That the surplus stores of such foreign beef or pork may be delivered into the charge
 10 of the searcher or other proper officer of Customs, to be re-shipped as stores, under such directions and regulations as the Collector or other chief officer of Customs shall appoint; and any such beef or pork shipped as stores contrary to such directions and regulations shall be forfeited.

Surplus of such Stores may be delivered into charge of the Searcher to be re-shipped as Stores.

15 And be it Enacted, That upon the entry outwards of any goods to be exported from the warehouse, the person entering the same shall give security by bond, in *Treble* the Duties of importation on the quantity of such goods, or if such goods are prohibited to be imported for home use, in double the value of such goods, with Two sufficient Sure-
 20 ties, to be approved by the Collector or Comptroller, that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for, to the satisfaction of the Collector and Comptroller.

59.
Bond on entry for Exportation.

And be it Enacted, That it shall be lawful for Her Majesty, by Order in Council from time to time to appoint any port in Her Majesty's
 25 possessions in America to be a free warehousing port for all or any of the purposes of this Act; and every such port, so appointed by Her Majesty, shall be, for all the purposes expressed in such order, a free warehousing port under this Act, as if appointed by the same.

60.
Power to appoint other Ports.

AND whereas it is expedient that all Duties and regulations relating to importation and exportation into and from Her Majesty's Islands
 30 in the West Indies should be extended to the Island of Mauritius; BE it therefore Enacted, That all goods, wares and merchandize, the growth, produce or manufacture of the Island of Mauritius, and all goods, wares and merchandize which, having been imported into the
 35 said Island of Mauritius, shall be imported from thence into any part of the United Kingdom of Great Britain and Ireland, or into any possessions of Her Majesty, Her heirs or successors, shall be liable, upon such importation into the United Kingdom, or into any such possessions respectively, to the payment of the same Duties, and shall
 40 be subject to the same regulations, as the like goods, wares and merchandize being of the growth, produce or manufacture of Her Majesty's Islands in the West Indies, or having been imported into and exported

61.
Goods from Mauritius liable to same Duties and Regulations as West India Goods.

from any of the said Islands, and imported from the same into the said United Kingdom, or into any such possessions respectively, would on such importation be liable to the payment of, or would be subject unto; and that upon the exportation of any goods, wares or merchandize from the United Kingdom to the Island of Mauritius, such goods, wares or merchandize shall be liable to the same Duties, and shall be entitled to the like drawbacks respectively as would or ought by law to be charged or allowed upon the like goods from the United Kingdom to any of Her Majesty's Islands in the West Indies; and that all goods, wares and merchandize which shall be imported into or exported from the said Island of Mauritius from or to any place whatever other than the United Kingdom, shall, upon such importation or exportation respectively, be liable to the payment of the same Duties, and shall be subject to the same regulations, so far as any such regulations can or may be applied, as the like goods, wares and merchandize would be liable to the payment of, or would be subject to upon importation into or exportation from any of Her Majesty's Islands in the West Indies; and that all ships and vessels whatever which shall arrive at or depart from the said Island of Mauritius shall be liable to the payment of the same Duties and shall be subject to the same regulations as such ships or vessels would be liable to the payment of or would be subject to if arriving at or departing from any of Her Majesty's Islands in the West Indies.

62.
Cape of Good
Hope within
Limits of the
Company's
Charter.

And be it Enacted, That in all trade with the British possessions in America and the Mauritius, the Cape of Good Hope, and the territories and dependencies thereof, shall be deemed to be within the limits of the East India Company's Charter.

63.
Colonial
Laws repug-
nant to any
Act of Par-
liament to be
null and void.

And be it Enacted, That all laws, bye-laws, usages or customs at this time, or which hereafter shall be in practice or endeavoured or pretended to be in force or practice in any of the British possessions in America, which are in anywise repugnant to this Act, or to any Act of Parliament made, or hereafter to be made, in the United Kingdom, so far as such Act shall relate to and mention the said possessions, are and shall be null and void to all intents and purposes whatsoever.

64.
Exemption
from Duties
to extend
only to Duties
by Act of
Parliament.

Provided always, and be it Enacted, That no exemption from Duty in any of the British possessions abroad, contained in any Act of Parliament, shall extend to any Duty not imposed by Act of Parliament, unless and so far only as any Duty not so imposed is or shall be expressly mentioned in such exemption.

65.
Officers may
board Ships
in Port or
hovering on
Coasts.

And be it Enacted, That it shall be lawful for the officers of Customs to go on board any ship in any port in any British possession in America,

America, and to rummage and search all parts of such ship for prohibited and uncustomed goods, and also to go on board any ship hovering within *One League* of any of the coasts thereof, and in either case freely to stay on board such ship so long as she shall remain in such port, or within such distance ; and if any such ship be bound elsewhere, and shall continue so hovering for the space of Twenty-four Hours after the master shall have been required to depart, it shall be lawful for the officer of Customs to bring such ship into port, and to search and examine her cargo, and to examine the master on oath touching the cargo and voyage ; and if there be any goods on board prohibited to be imported into such possession, such ship and her cargo shall be forfeited ; and if the master shall not truly answer the questions which shall be demanded of him on such examination, he shall forfeit the sum of *One hundred Pounds*.

15 And be it Enacted, That all vessels, boats, carriages and cattle made use of in the removal of any goods liable to forfeiture under this or any Act relating to the Customs, or to trade or navigation, shall be forfeited ; and every person who shall assist or be otherwise concerned in the unshipping, landing or removal, or in the harbouring of such goods, or into whose hands or possession the same shall knowingly come, shall forfeit the *Treble* value thereof, or the penalty of *One hundred Pounds*, at the election of the officers of the Customs ; and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer proceeding has elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election without any other or further evidence of such fact.

66.
Forfeiture of
Vessels, Car-
riages, &c.
receiving
Goods liable
to forfeiture.

And be it Enacted, That all goods, and all ships, vessels and boats, and all carriages, and all cattle liable to forfeiture under this or any Act relating to the Customs, or to trade or navigation, shall and may be seized and secured by any officer of the Customs or navy, or by any person employed for that purpose, by or with the concurrence of the Commissioners of Her Majesty's Customs ; and every person who shall in any way hinder, oppose, molest or obstruct any officer of the Customs or navy, or any person so employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, shall, for every such offence, forfeit the sum of *Two hundred Pounds*.

67.
Goods,
Vessels, &c.
liable to for-
feiture may
be seized by
Officers.

And be it Enacted, That if any officer of Customs, or any person duly employed for the prevention of smuggling, shall make any collusive seizure, or deliver up, or make any agreement to deliver up, or not to seize any vessel, boat or goods liable to forfeiture under this or any Act relating to the Customs, or to trade or navigation, or shall take any bribe, gratuity, recompence or reward for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of *Five hundred Pounds*, and be rendered

68.
Officer
making col-
lusive
Seizures, or
taking Bribes,
and persons
giving Bribes,
subjected to
Penalties.

incapable of serving Her Majesty in any office whatever; and every person who shall give or offer, or promise to give or procure to be given any bribe, recompense or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid in any of Her Majesty's possessions abroad, to induce him in any way to neglect his duty, or to do, conceal or connive at any thing whereby the provisions of any such Act may be evaded, shall forfeit the sum of *Two hundred Pounds*. 5

69.
Seized Goods
if unclaimed
for a Month,
to be con-
demned and
dealt with
accordingly.

And be it Enacted, That all vessels, boats, goods and other things which shall have been or shall hereafter be seised as forfeited in or near any of the British possessions Abroad, under this or any Act relating to the Customs, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with in the manner directed by law in respect to vessels, boats, goods and other things seized and condemned for breach of any such Act, unless the person from whom such vessels, boats, goods and other things, shall have been seized, or the owner of them, or some person authorized by him, shall, within *One* calendar Month from the day of seizing the same, give notice in writing to the person or persons seizing the same, or to the Collector, Comptroller or other chief officer of Customs at the nearest port, that he claims the vessel, boat, goods or other things, or intends to claim them. 10 15 20

70.
Writ of Assist-
ance to search
for and seize
Goods liable
to forfeiture.

And be it Enacted, That under the authority of a writ of assistance granted by the Superior or Supreme Court of Justice or Court of Vice-Admiralty, having jurisdiction in the place (who are hereby authorized and required to grant such writ of assistance, upon application made to them for that purpose by the principal officers of Her Majesty's Customs), it shall be lawful for any officer of the Customs, taking with him a peace officer, to enter any building or other place in the day-time, and to search for and seize and secure any goods liable to forfeiture under this or any Act relating to the Customs or to Trade or Navigation, and, in case of necessity, to break open any doors and any chests or other packages for that purpose, and such Writ of Assistance when issued, shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for *Twelve* Months from the conclusion of such reign. 25 30 35

71.
Obstructing
Officers by
Force.

And be it Enacted, That if any person shall, by force or violence, assault, resist, oppose, molest, hinder or obstruct any officer of the Customs or Navy, or other person employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, such person being thereof convicted shall be adjudged a Felon, and shall be proceeded against as such, and punished at the discretion of the Court before whom such person shall be tried. 40

And

And be it Enacted, That all things which shall be seized as being liable to forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, shall be taken forthwith, and delivered into the custody of the Collector and Comptroller of the Customs at the Custom-house next to the place where the same were seized, who shall secure the same by such means and in such manner as shall be provided and directed by the Commissioners of Her Majesty's Customs, and after condemnation thereof, the Collector and Comptroller shall cause the same to be sold by public auction to the best bidder : Provided always, That it shall be lawful for the said Commissioners to direct in what manner the produce of such sale shall be applied, or, in lieu of such sale, to direct that any of such things shall be destroyed, or shall be reserved for the public service.

72.
Goods seized to be secured at the next Custom House, and sold by Auction.

And be it Enacted, That all penalties and forfeitures which may have been heretofore or may be hereafter incurred under this or any Act relating to the Customs, or to Trade or Navigation, shall and may be prosecuted, sued for and recovered in any Court of Record or of Vice-Admiralty, having jurisdiction in the colony or plantation where the cause of prosecution arises, and in cases where there shall happen to be no such Court, then in any Court of Record or of Vice-Admiralty, having jurisdiction in some British Colony or Plantation near to that where the cause of prosecution arises ; provided that in cases where a seizure is made in any other colony than that where the forfeiture accrues, such seizure may be prosecuted in any Court of Record or of Vice-Admiralty having jurisdiction either in the colony or plantation where the forfeiture accrues, or in the colony or plantation where the seizure is made, at the election of the seizer or prosecutor, and in cases where there shall happen to be no such Courts in either of the last-mentioned colonies or plantations, then in the Court of Record or of Vice-Admiralty having jurisdiction in some British colony or plantation near to that where the forfeiture accrues or to that where the seizure is made, at the election of the seizer or prosecutor.

73.
Jurisdiction for Prosecution of Seizures and Penalties.

And be it Enacted, That if any goods, or any ship or vessel shall be seized as forfeited under this or any Act relating to the Customs, or to Trade or Navigation, and detained in any of the British possessions in America, it shall be lawful for the Judge or Judges of any Court having jurisdiction to try and determine such seizures, with the consent of the Collector and Comptroller of the Customs, to order the delivery thereof on security by bond, with Two sufficient Sureties, to be first approved by such Collector and Comptroller, to answer Double the value of the same in case of condemnation ; and such bond shall be taken to the use of Her Majesty, in the name of the Collector or officer of the Customs in whose custody the goods, or the

74.
Bail may be given for Goods or Ships seized.

ship or vessel, may be lodged ; and such bond shall be delivered and kept in the custody of such Collector or officer ; and in case the goods, or the ship or vessel, shall be condemned, the value thereof shall be paid into the hands of such Collector or officer, who shall thereupon, with the consent or privity of his Comptroller, cancel such bond.

5

75.
Suits to be
commenced
in Name of
Officers of
Customs.

And be it Enacted, That no suit shall be commenced for the recovery of any penalty or forfeiture under this or any Act relating to the Customs, or to trade or navigation, except in the name of some superior officer of the Customs or Navy, or other person employed as hereinbefore mentioned, or of Her Majesty's Advocate or Attorney-general for the place where such suit shall be commenced ; and if a question shall arise, whether any person is an officer of the Customs or Navy, or such other person as aforesaid, *vivâ voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

10

76.
Onus pro-
bandi to lie
on the Party.

And be it Enacted, That if any goods shall be seized for non-payment of Duties, or any other cause of forfeiture, and any dispute shall arise, whether the Duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods, and not on the officer who shall seize or stop the same.

15

20

77.
Claim to
things seized
to be entered
in the Name
of the Owner.

And be it Enacted, That no claim to any thing seized under this or any Act relating to the Customs, or to trade or navigation, and returned into any of Her Majesty's Courts for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent by whom such claim shall be entered, to the best of his knowledge and belief ; and every person making a false oath thereto shall be deemed guilty of a Misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a Misdemeanor.

25

30

78.
No person
admitted to
enter claim
for any thing
seized, unless
Security first
given.

And be it Enacted, That no person shall be admitted to enter a claim to any thing seized in pursuance of this or any Act relating to the Customs, or to trade or navigation, and prosecuted in any of the British Possessions in America, until sufficient security shall have been given in the Court where such seizure is prosecuted, in a penalty not exceeding *Sixty Pounds*, to answer and pay the costs occasioned by such claim ; and in default of giving such security, such things shall be adjudged to be forfeited, and shall be condemned.

35

79.
A Months'
Notice to be
given to
Officers.

And be it Enacted, That no writ shall be sued out against, nor a copy of any process served upon, any officer of the Customs or Navy, or other person as aforesaid, for any thing done in the exercise of his office,

office, until *One* calendar Month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of the
 5 action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of the cause of such action shall be produced, except of such as shall be contained in such notice; and no verdict shall be given for the plaintiff, unless he shall prove on the trial that such notice
 10 was given; and in default of such proof, the defendant shall receive in such action a verdict and costs.

And be it Enacted, That every such action shall be brought within *Three* calendar Months after the cause thereof, and shall be laid and tried in the place or district where the facts were committed; and
 15 the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become nonsuited, or shall discontinue the action, or if upon a verdict or demurrer judgment shall be given against the plaintiff, the defendant shall receive Treble Costs, and have such remedy for the same as any defendant can have in
 20 other cases where costs are given by law.

And be it Enacted, That in case any information or suit shall be brought to trial on account of any seizure made under this or any Act relating to the Customs or to trade or navigation, and a verdict shall be found for the claimant thereof, and the Judge or Court before
 25 whom the cause shall have been tried shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment or other suit or prosecution on account of such seizure; and if any action, indictment or other suit or prosecution shall be brought to trial against any person on account of such
 30 seizure, wherein a verdict shall be given against the defendant, the plaintiff, besides the things seized, or the value thereof, shall not be entitled to more than *Two-pence* damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined more than *One*
 35 *Shilling*.

And be it Enacted, That it shall be lawful for such officer, within *One* calendar Month after such notice, to tender amends to the party complaining, or his agent, and to plead such tender in bar to any action, together with other pleas; and if the jury shall find the amends
 40 sufficient, they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have

80.
Actions to be brought within Three Months of the cause of them.

81.
Judge may certify probable cause of Seizure.

82.
Officer may tender Amends.

have been entitled to in case he had pleaded the general issue only :
 Provided always, That it shall be lawful for such defendant, by leave
 of the Court where such action shall be brought, at any time before
 issue joined, to pay money into Court as in other actions.

83.
 Judge may
 certify pro-
 bable cause of
 Action.

And be it Enacted, That in any such action, if the Judge or Court 5
 before whom such action shall be tried, shall certify upon the record
 that the defendant or defendants in such action acted upon probable
 cause, then the plaintiff in such action shall not be entitled to more
 than *Two-pence* damages, nor to any costs of suit.

84.
 Recovery and
 application
 of Penalties.

And be it Enacted, That all penalties and forfeitures recovered in 10
 any of the British Possessions in America under this or any Act
 relating to the Customs, or to trade or navigation, shall be paid into
 the hands of the Collector or Comptroller of the port or place of the
 British possessions in America where the same shall have been reco-
 vered, and shall be divided, paid and applied as follows ; (that is to 15
 say) after deducting the charges of prosecution from the produce
 thereof, *One-third* part of the net produce shall be paid into the hands
 of the collector of Her Majesty's Customs at the port or place where
 such penalties or forfeitures shall be recovered for the use of Her
 Majesty, *One-third* part to the Governor or Commander-in-Chief of 20
 the said colony or plantation, and the other Third part to the person
 who shall seize, inform and sue for the same, excepting such seizures
 as shall be made at sea by the commanders or officers of Her Majesty's
 ships of war duly authorized to make seizures, One moiety of which
 seizures, and of the penalties and forfeitures recovered thereon, first 25
 deducting the charges of prosecution from the gross produce thereof,
 shall be paid as aforesaid to the Collector of Her Majesty's Customs
 to and for the use of Her Majesty, and the other Moiety to him or
 them who shall seize, inform and sue for the same, any law, custom
 or usage to the contrary notwithstanding ; subject, nevertheless, to 30
 such distribution of the produce of the seizures so made at sea, as well
 with regard to the moiety hereinbefore granted to Her Majesty as with
 regard to the other Moiety given to the seisor or prosecutor, as Her
 Majesty shall think fit to order and direct, by any Order or Orders in
 Council, or by any Proclamation or Proclamations to be made for that 35
 purpose.

85.
 Limitation of
 Suits.

And be it Enacted, That all actions or suits for the recovery of any
 of the penalties or forfeitures imposed by this or any Act relating to
 the Customs or to Trade or Navigation, may be commenced or
 prosecuted at any time within Three Years after the offence com- 40
 mitted, by reason whereof such penalty or forfeiture shall be incurred,
 any law, usage or custom to the contrary notwithstanding.

And

And be it Enacted, That no appeal shall be prosecuted from any decree or sentence of any of Her Majesty's Courts in America, touching any penalty or forfeiture imposed by this or any Act relating to the Customs, or to trade or navigation, unless the inhibition shall be applied for and decreed within *Twelve Months* from the time when such decree or sentence was pronounced.

86.
Limitation of Appeals.

Provided always, and be it Enacted, That in any case in which proceedings shall have been or shall hereafter be instituted in any Court of Vice-Admiralty or other competent court in any of Her Majesty's possessions abroad, against any ship, vessel, boat, goods or effects for the recovery of any penalty or forfeiture under this or any Act relating to the Customs or to trade or navigation, the execution of any sentence or decree restoring such ship, vessel, boat, goods or effects to the claimant thereof, which shall be pronounced by the said Vice-Admiralty Court in which such proceedings shall have been had, shall not be suspended by reason of any appeal which shall be prayed and allowed from such sentence; provided that the party or parties appellate shall give sufficient security to be approved of by the court, to render and deliver the ship, vessel, boat, goods or effects concerning which such sentence or decree shall be pronounced, or the full value thereof, to be ascertained either by agreement between the parties, or in case the said parties cannot agree, then by appraisement under the authority of the said court, to the appellant or appellants, in case the sentence or decree so appealed from shall be reversed, and such ship, vessel, boat, goods or effects be ultimately condemned.

87.
Security to abide an appeal from decree of Vice-Admiralty Court.

And be it Enacted, That all persons authorized to make seizures under an Act passed in the fifth year of the reign of his Majesty King GEORGE the Fourth, intituled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," shall, in making and prosecuting any such seizures, have the benefit of all the provisions granted to persons authorized to make seizures under this Act.

88.
Persons authorized to make Seizures under 5 Geo. 4, c. 119, to have the benefit of this Act.

And be it Enacted, That all penalties and forfeitures created by the said Act passed in the fifth year of his Majesty King GEORGE the Fourth, whether pecuniary or specific, shall (except in cases specially provided for by the said Act) go and belong to such persons as are authorized by that Act to make seizures in such shares, and shall and may be sued for and prosecuted, tried, recovered, distributed and applied in such and the like manner, and by the same ways and means, and subject to the same rules and directions as any penalties and forfeitures incurred in Great Britain and in the British possessions in America respectively, now go and belong to, and may be sued, prosecuted,

89.
Application of Penalties under 5 Geo. 4, c. 119.

secuted, tried, recovered and distributed respectively in Great Britain, or in the said possessions under and by virtue of this Act.

90.
The Queen
may regulate
the Trade of
certain
Colonies.

And be it Enacted, That it shall be lawful for Her Majesty, by and with the advice of Her Privy Council, by any Order or Orders in Council to be issued from time to time, to give such directions and make such regulations, touching the trade and commerce to and from any British possessions on or near the Continent of Europe, or within the Mediterranean Sea, or in Africa, or within the limits of the East India Company's Charter (excepting the possessions of the said Company), as to Her Majesty in Council shall appear most expedient and salutary, any thing in this Act to the contrary notwithstanding; and if any goods shall be imported or exported in any manner contrary to any such Order of Her Majesty in Council, the same shall be forfeited, together with the ship importing or exporting the same. 5 10

91.
Certificate of
Production of
East India
Sugar.

And be it Enacted, That it shall be lawful for any person, being the shipper of any sugar, the produce of some British Possession within the limits of the East India Company's Charter about to be exported from any place in such possession, to go before the Collector or Comptroller or other chief officer of the Customs at such place; or if there be no such officer of the Customs, to go before the principal officer of such place, or the Judge or commercial resident of the district, and make and sign a declaration before him that such sugar was really and bonâ fide the produce of such British possession, to the best of his knowledge and belief; and such officer, Judge or resident is hereby authorized and required to grant a certificate thereof, setting forth in such certificate the name of the ship in which the sugar is to be exported, and the destination of the same. 15 20 25

92.
Ships built
prior to 1st
January 1816
deemed
British Ships
within certain
limits.

And be it Enacted, That all ships built at any place within the limits of the East India Company's Charter prior to the First day of January One thousand eight hundred and Sixteen, and which then were and have continued ever since to be solely the property of Her Majesty's subjects, shall be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope, any thing in this Act or in any other Act or Acts passed in this present Session of Parliament to the contrary notwithstanding. 30 35

93.
Certificate
of production
of Cape Wine.

And be it Enacted, That it shall be lawful for the shipper of any wine, the produce of the Cape of Good Hope, or of its dependencies, which is to be exported from thence, to go before the chief officer of the Customs, and make and sign a declaration before him that such wine was really and bonâ fide the produce of the Cape of Good Hope, or of its dependencies; and such officer is hereby authorized and required to grant a certificate thereof, setting forth in such certificate the 40

the name of the ship in which the wine is to be exported, and the destination of the same.

And be it Enacted, That it shall be lawful for any person who is about to export from any of the Islands of Guernsey, Jersey, Alderney or Sark to the United Kingdom, or to any of the British possessions in America or the Mauritius, any goods of the growth or produce of any of those islands, or any goods manufactured from materials which were the growth or produce thereof, or of the United Kingdom, to go before any magistrate of the island from which the goods are to be exported, and make and sign before him a declaration that such goods, describing the same, are of such growth or produce or of such manufacture, and such magistrate shall administer and sign such declaration; and thereupon the Governor, Lieutenant-Governor or Commander-in-Chief of the island from which the goods are to be exported shall, upon the delivery to him of such declaration, grant a certificate under his hand of the proof contained in such declaration, stating the ship in which and the port to which in the United Kingdom or in any such possession the goods are to be exported; and such certificate shall be the proper document to be produced at such ports respectively, in proof that the goods mentioned therein are of the growth, produce or manufacture of such islands respectively.

94.
Certificate of
production of
goods in
Guernsey, &c.

And be it Enacted, That no brandy, geneva or other spirits (except rum of the British plantations) shall be imported into, or exported from, the Islands of Jersey, Guernsey, Alderney or Sark, or any one of them, or be removed from any one to any other of the said Islands, or be carried coastwise from any one part to any other part of any one of the said Islands, or shall be shipped, in order to be so removed or carried, or shall be water-borne, for the purpose of being so shipped, in any vessel of less burthen than *Sixty* Tons, nor in any cask or other vessel capable of containing liquids, not being of the size or content of *Twenty* Gallons at the least; and that all brandy, geneva or other spirits imported, exported, removed, carried, shipped or water-borne contrary hereto, shall be forfeited, together with the vessel or boat importing, exporting, removing or carrying the same, and all the guns, furniture, ammunition, tackle and apparel thereof: Provided always, That nothing herein contained shall extend to any spirits imported in glass bottles, in square-rigged ships, as part of the cargo thereof, nor to any spirits being really intended for the consumption of the seamen and passengers during their voyage, and not being more in quantity than is necessary for that purpose.

95.
Spirits not to
be imported
into, or ex-
ported from,
Jersey,
Guernsey,
Alderney or
Sark,
except in
Vessels of
Sixty Tons,
and in Casks of
Twenty Gal-
lons at the
least.

Provided also, and be it Enacted, That nothing herein contained shall extend or be construed to extend to subject to forfeiture or seizure under any of the provisions of this Act any boat not exceeding

96.
Not to extend
to Vessels of
Ten Tons
supplying
Island of Sark,
having Li-
cense so to do

ceeding the burthen of *Ten* Tons, for having on board at any one time any foreign spirits, of the quantity of Ten Gallons or under, such boat having a license from the proper officer of Customs, at either of the Islands of Guernsey or Jersey, for the purpose of being employed in carrying commodities for the supply of the said Island of Sark, which license such officer of Customs is hereby required to grant, without taking any fee or reward for the same: Provided also, That every such boat having on board at any one time any greater quantity of spirits than *Ten* Gallons, unless such greater quantity of spirits shall be in casks or packages of the size and content hereinbefore required, shall be forfeited.

97.
Penalty on
persons found
on board Ves-
sels, liable to
Forfeiture
within One
League of
Guernsey, &c.

And be it Enacted, That every person who shall be found or discovered to have been on board any vessel or boat liable to forfeiture, under any Act relating to the Revenue of Customs, for being found within One League of the Islands of Guernsey, Jersey, Alderney or Sark, having on board, or in any manner attached or affixed thereto, or conveying or having conveyed in any manner such goods or other things as subject such vessel or boat to forfeiture, or who shall be found or discovered to have been on board any vessel or boat from which any part of the cargo shall have been thrown overboard during chace, or staved or destroyed, shall forfeit the sum of *One hundred Pounds*.

98.
Re-expor-
tation of
British Coals
in Foreign
Ships.

And be it Enacted, That it shall not be lawful for any person to re-export, from any of Her Majesty's possessions abroad to any foreign place in any foreign ship, any coals, the produce of the United Kingdom, except upon payment of the duty to which such coals would be liable upon exportation from the United Kingdom to such foreign place; and that no such coals shall be so shipped at any of such possessions to be exported to any British place until the exporter or the master of the exporting vessel shall have given bond, with one sufficient surety, in *Double* the value of the coals, that such coals shall not be landed at any foreign place

99.
Penalty for
using Docu-
ments coun-
terfeited or
falsified.

And be it Enacted, That if any person shall in any of Her Majesty's possessions abroad counterfeit or falsify, or wilfully use when counterfeited or falsified, any entry, warrant, cocket, transire or other document for the unlading, lading, entering, reporting or clearing any ship or vessel, or for the landing, shipping or removing of any goods, stores, baggage or article whatever, or shall by any false statement procure any writing or document to be made for any such purposes, or shall falsely make any oath or affirmation required by this Act, or shall forge or counterfeit a certificate of the said oath or affirmation, or shall publish such certificate, knowing the same to be so forged or counterfeited, every person so offending shall for every such offence forfeit the sum of *Two hundred*

hundred Pounds; and such penalty shall and may be prosecuted, sued for and recovered in like manner and by such ways and means as any penalty may be prosecuted, sued for and recovered under the provisions and directions of this Act.

5

AND whereas by an Act passed in the Session of Parliament holden in the second and third years of the reign of King WILLIAM the Fourth, intituled, "An Act to continue certain Acts relating to the Island of Newfoundland, and to provide for the Appropriation of all Duties which may hereafter be raised within the said Island," provision
 10 was made for the appropriation of the net produce of all Duties levied within the said colony by any Act of Parliament then or thereafter to be in force there, and for the deduction from and out of such net proceeds in each and every year of a sum not exceeding Six thousand Five hundred and Fifty Pounds, to be applied in the manner for the
 15 purposes and under the authority therein mentioned: AND whereas doubts may arise whether the provisions aforesaid, or some of them, were not repealed or abrogated by some or one of the Acts passed in a Session of Parliament holden in the third and fourth years of the reign of his said Majesty King WILLIAM the Fourth, for
 20 the removal of such doubts; BE it therefore Declared and Enacted, That nothing contained in any Act passed in that Session of Parliament, or in the present Session of Parliament, did or doth repeal, abrogate, annul or alter the said recited Act, or any part thereof, or any of the provisions therein contained; but that from and
 25 out of the net proceeds of all Duties levied from year to year within the said colony of Newfoundland by any Act of the said last-mentioned Session of Parliament, or any Act thereafter passed or to be passed, such deduction shall be annually made as in the said recited Act is mentioned; and that the sum of money so from year to year
 30 to be deducted, shall be applied from time to time in such manner and for such purposes and under such authority as in the said recited Act is particularly mentioned and set forth.

100.
 2 & 3 Will. 4,
 c. 78, not re-
 pealed by any
 Act passed in
 the third and
 fourth years
 of King Wil-
 liam the
 Fourth.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

101.
 Act may be
 altered this
 Session.

Trade of British Possessions Abroad.

A

B I L L

To regulate the Trade of British Possessions
Abroad.

(Prepared and brought in by
*Mr. Greene, Mr. Chancellor of the Exchequer,
and Mr. Cardwell.*)

*Ordered, by The House of Commons, to be Printed,
18 July 1845.*

534.

Under 8 oz.

11 July 1845.—9 VICT.



A

B I L L

To continue certain Turnpike Acts.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH ~~H E R E A S~~ it is expedient that the several Acts hereinafter Preamble.
specified should be continued for a limited time; ~~B E~~ it
~~E n a c t e d~~, by The QUEEN's most Excellent MAJESTY, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
5 Commons, in this present Parliament assembled, and by the Authority
of the same, THAT every Act now in force for regulating, making,
amending or repairing any Turnpike Road in Great Britain, which
will expire on or before the End of the next Session of Parliament,
shall be continued until the *First day of October in the year One thou-*
10 *sand eight hundred and Forty-six, and to the End of the then next*
Session of Parliament; except such Acts for making, repairing or
regulating any Turnpike Road or Roads as shall be sooner repealed
under the provisions of an Act passed in the last Session of Parlia-
15 ment, intituled, "An Act to consolidate and amend the Laws
relating to Turnpike Trusts in South Wales."

1.
Continuance
of Acts.

7 & 8 Vict.
c. 91, s. 34.

And be it Enacted, That this Act may be amended or repealed by
any Act to be passed in this Session of Parliament. 2.
Act may be
amended or
repealed.

Turnpike Acts Continuance.

A

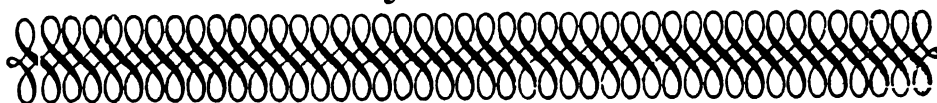
B I L L

To continue certain Turnpike Acts.

(Prepared and brought in by
Mr. Manners Sutton and Mr. Cardwell.)

*Ordered, by The House of Commons, to be Printed,
11 July 1845.*

10 July 1845.—9 VICT.



(Ireland.)

A

B I L L

To continue certain Acts for regulating Turnpike Roads in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

W^{**H**}**HEREAS** certain Acts for making, amending and repair- Preamble.
ing the Turnpike Roads in Ireland were, by an Act passed
in the Session of Parliament holden in the fourth and fifth years of
the reign of Her present Majesty, amended and continued for a time
5 therein limited : And whereas, under the provisions of three Acts
passed respectively in the Sessions of Parliament holden in the fifth
and in the fifth and sixth and in the sixth and seventh years of Her
Majesty's reign, the said Acts were further continued for a time
therein limited : And whereas, under the provisions of an Act of
10 the last Session of Parliament, the said Acts, except as therein men-
tioned, are further continued, and will remain in force until the Thirty-
first day of July in the present year, or, if Parliament be then sitting,
until the end of the then Session of Parliament : And whereas it is
expedient that the several Acts for making, amending or repairing
15 Turnpike Roads in Ireland should be further continued ; ~~BE~~ **it**
~~therefore Enacted~~, by The QUEEN's most Excellent MAJESTY,
by and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, **THAT** any Act for making,
20 amending or repairing any Turnpike Road or Roads in Ireland, which
will expire on the said thirty-first day of July in the present year, or
at or before the end of the present or next ensuing Session of Parlia-
ment, shall be and the same is hereby continued, as amended by
the said recited Act of the fourth and fifth years of Her Majesty's
25 reign, until the *Thirty-first day of July One thousand eight hundred*
and Forty-six, or, if Parliament be then sitting, until the End of the
then Session of Parliament.

Acts for
making or re-
pairing Turn
pike Roads
in Ireland
further con-
tinued.

Turpikc Roads.

(Ireland.)

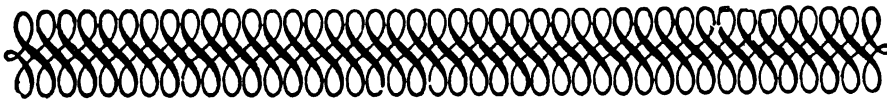
A

B I L L

To continue certain Acts for regulating Turpikc
Roads in Ireland.

(*Prepared and brought in by*
Sir Thomas Fremantle and Mr. Attorney-
General for Ireland.)

Ordered, by The House of Commons, to be Printed,
10 July 1845.



A

B I L L,

INTITULED,

AN ACT for repealing so much of an Act passed in the First and Second Year of the Reign of his late Majesty King WILLIAM the Fourth, intituled, “An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland,” as relates to Powers of Justices to grant Licenses to Tacksmen of Tolls, &c.

- W**H ~~HER~~ ~~AS~~ an Act was passed in the first and second year of the reign of his late Majesty King WILLIAM the Fourth, intituled, “An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland,” whereby it is enacted, that
- 5 it shall not be lawful for the Justices of the Peace for any shire or stewartry to grant to the Tacksman of the Tolls or Toll-gatherer, or other person situated at any Toll-bar any License to sell any wine, ale, spirituous liquors or provisions, unless an application shall have been previously made to such Justices by the Trustees of the District of
- 10 Roads within which such Toll-bar shall be situated, recommending that such Tacksman, Toll-gatherer, or other person who from time to time may be situated at such Toll-bar should be so licensed as aforesaid; and it is expedient that so much of the said Act as relates to the powers of Justices to grant Licenses to Tacksmen of the Tolls,
- 15 or Toll-gatherers, or other persons situated at Toll-bars as aforesaid should be repealed; ~~BE it therefore Enacted~~, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of the said Act of the first and second year of the reign of his late Majesty King WILLIAM the Fourth as is hereinbefore recited, and
488. relates
- Preamble:
1 & 2 W. 4,
c. 43.
- ^{1.}
So much of
recited Act as
relates to
granting Li-
censes to
Tacksmen of
Tolls, &c.
repealed.

relates to the powers of Justices to grant Licenses to Tacksmen of Tolls, Toll-gatherers, and other persons situated at any Toll-bar, shall be and the same is hereby repealed.

2.
Tacksmen of
Tolls not to
be licensed
to sell Wine,
&c.

And be it Enacted, That from and after the passing of this Act it shall in no case be lawful for the Justices of the Peace for any shire or stewartry to grant to the Tacksman of the Tolls, or Toll-gatherer, or other person situated at any Toll-bar, any License to sell any wine, ale, spirituous liquors, or provisions.

5

3.
Act may be
amended.

And be it Enacted, That this Act may be repealed or amended during this Session of Parliament.

Turnpike Roads (Scotland).

A

B I L L,

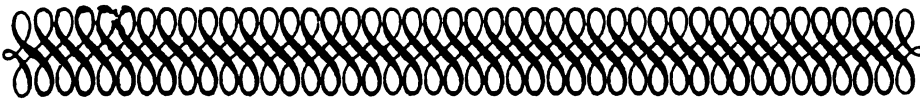
INTITLED,

AN ACT for repealing so much of an Act passed in the First and Second Year of the Reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland," as relates to Powers of Justices to grant Licenses to Tacksmen of Tolls, &c.

(Brought from the Lords, 30 June 1846.)

Ordered, by The House of Commons, to be Printed,
11 July 1845.

488.



A

B I L L

To make certain further Provisions for the Consolidation of Turnpike Trusts in South Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ an Act was passed in the last Session of Parliament, intituled, “An Act to consolidate and amend the Laws relating to Turnpike Trusts in South Wales:” And whereas in pursuance of the said Act certain Commissioners have been appointed to execute the powers and authorities thereby conferred, and to carry the same into execution; but the powers of the said Commissioners will cease and determine, by virtue of the said Act, on the Twenty-ninth day of September next: And whereas it is necessary that provision should be made for carrying certain parts of the said Act into effect, after such Commission shall have expired, and also that some further enactments should be made for more fully accomplishing the objects of the said Act; ~~BE it therefore Enacted~~, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act* the pieces of road in the Schedule marked (A.) to this Act annexed, shall become and shall respectively be managed and maintained as part of the county roads of the counties in which they are respectively situate.

Preamble.

1.
Certain Roads
to become
County
Roads.

20 AND whereas the several pieces of road mentioned in Schedule (B.) to this Act annexed have heretofore been repaired and maintained as
418.

2.
Provision for
Roads partly
situated in
different
Counties.

parts

A

parts of certain Turnpike Trusts which extend respectively into two or more counties: AND whereas it is expedient that such pieces of road should continue to be repaired and maintained under one uniform management, as heretofore; BE it therefore Enacted, That the several pieces of road mentioned in the Schedule marked (B.) to this Act annexed, shall be and shall respectively be managed and maintained as part of the County Roads of the several counties therein specified respectively. 5

3.
Power to
make new
Branch Road
in Brecknock-
shire.

AND whereas by an Act passed in the eleventh year of the reign of King GEORGE the Fourth, intituled, "An Act for more effectually repairing and improving several Roads in the Counties of Brecon, Radnor and Glamorgan, and for making and maintaining several new Branches of Road to communicate therewith," the Trustees for carrying the said Act into execution were empowered, amongst other things, to make and construct a certain line or branch of road commencing at or near Tavern-y-Prydd, on the Turnpike Road leading from Builth to Llandovery, and thence crossing the Rivers Dulas and Irvon to Pontrhydverre, and from thence to the Turnpike Road leading from the confines of the county of Caermarthen to Llandovery, and which said new line of road would extend through the several parishes of New Church, Llangammarch and Llanwrtid, subject to the provisions and regulations of the said Act: AND whereas the said line of road has not yet been made, but the same, if now constructed, would afford a complete communication between Builth and Llandovery, and would be otherwise beneficial to the said county of Brecknock; BE it therefore Enacted, That, subject to the provisions and restrictions contained in the said first-recited Act, all the powers conferred upon the said last-mentioned Trustees by the said last-recited Act, so far as relates to the construction of the said last-mentioned line of road, shall be and the same are hereby vested in the County Roads Board of the said county of Brecknock, provided that such last-mentioned powers be exercised, and the said line of road be constructed and made within *Five Years* from the passing of this Act; and such road, when completed, shall be managed and maintained as part of the County Roads of the county of Brecon. 10 15 20 25 30 35

4.
Awards and
Charges made
by Commis-
sioners under
former Act
confirmed.

AND whereas the afore-mentioned Commissioners have made certain apportionments by the said recited Act directed to be made, and have also made various awards and reports to Her Majesty's Secretary of State for the Home Department, and the monies by the said awards directed to be paid have been paid, or are in the course of payment, and to avoid any doubts as to whether in all respects the forms and directions by the said Act prescribed have been complied with, or as to whether the mode or terms of making the said apportionments, 40

apportionments, awards and reports, or the matters contained therein, or the manner of the execution thereof, are in exact conformity with the provisions of the said Act, and to give full force and validity to the charges made, or to be made, in pursuance of the said Act; BE
 5 it Enacted, That all charges made, or to be made, by the said Commissioners, or by One of Her Majesty's Principal Secretaries of State, as the case may be, and purporting to be made in pursuance of the said recited Act, or of the said Act, and this Act, shall after the making thereof be good and effectual in all respects whatsoever,
 10 and according to the true intent and meaning thereof; and notwithstanding that in certain cases the said Commissioners may not in all respects have complied, or may not hereafter comply, with the precise forms and directions in the said Act contained, or may not have apportioned, or may not hereafter apportion, on different counties
 15 parts of the debts of any Turnpike Trust, in any case in which the said Commissioners have given, or shall hereafter give, in any report to such Secretary of State their reasons for not having made, or for not making such apportionment; and such reports have been or shall be approved by such Secretary of State.

20 And be it Enacted, That the Public Works Loan Commissioners may pay any monies by the said awards, or by any future awards directed to be paid to any parties who it shall be made to appear to their satisfaction are the persons or bodies beneficially entitled thereto, and notwithstanding any error or omission in the aforesaid awards
 25 or reports, or the awards or reports hereafter to be made, as to the parties or the names or descriptions of the parties entitled thereto; and further that all payments already made, and which the said last-mentioned Commissioners would have been entitled to make, and which would have been effectual if this Act had passed previously
 30 to the making of such payments, shall be and the same are hereby confirmed.

5.
 Provision for facilitating Payments by Exchequer Loan Commissioners; Former Payments confirmed.

And be it Enacted, That all charges so made, or to be made as aforesaid, shall be valid, notwithstanding interest, after the rate of *Three Pounds per centum per annum* has been or may be charged
 35 by the said Public Works Loan Commissioners on the amount of monies paid, or to be paid by them from the date of payment thereof, up to the time of making up the accounts as by the said Act is directed, and from which period the several annuities charged, or to be charged, upon the said counties respectively, are to become payable, although the rate of interest charged or to be charged upon such monies is not specified in the aforesaid Act.

6.
 Interest at Three per cent. may be charged by Exchequer Loan Commissioners from time of Payment until Accounts are made up.

7.
Commissioners to ap-
point Trustees
of Monies
secured upon
Charitable
and Religious
Trusts.

AND whereas the interest of and in divers sums of money charged or secured upon the Tolls of certain Turnpike Trusts has been heretofore conveyed to or vested in Trustees, in trust to apply the proceeds thereof to certain charitable and other purposes of a public nature : AND whereas in some cases the Trustees of Turnpike Roads 5 have heretofore acted as the Trustees of such sums of money so secured, and in some cases the deeds by which such Trusts were constituted have been lost, or the Trustees originally appointed have died, and no new appointment of Trustees has since been made, or the persons in whom the legal interest in such monies is now vested 10 have become incapacitated, or are desirous to be relieved from the burthen of such Trusts ; and it is expedient that provision should be made for the better securing of such monies to the uses and purposes to which the same were intended, and of right ought to be applied ; BE it therefore Enacted, That, subject to the pro- 15 visions of any General Act which may hereafter be passed for the regulation of Charitable Trusts in England and Wales, it shall be lawful for the Commissioners acting in execution of the said recited Act, in any case in which they shall find that monies have been secured upon the Tolls of any Turnpike Trust in South Wales upon any such 20 charitable or public Trust as aforesaid, for the execution of which Trust no Trustees, or no persons legally qualified or competent to act as Trustees, or no sufficient number of such legal and competent Trustees exist, by order under their hands and seal to appoint or substitute such fit and proper persons as they shall determine to be 25 the Trustees, either alone or jointly with any former or existing Trustees, for the purpose of receiving and applying such monies as aforesaid to the several charitable or public purposes to which the same were intended to be and have heretofore been applied, such purposes in each case to be specified in such order of the said Com- 30 missioners, and also by such order to relieve and discharge any persons now being Trustees of any such Trusts as aforesaid, and who shall be desirous to be so relieved and discharged from the same, and to appoint other fit and proper persons in their stead ; and in every such case the order of the said Commissioners so made as 35 aforesaid shall be a good and valid appointment or discharge, as the case may be, of such Trustees, without any other deed or instrument whatsoever.

8.
Trustees to
invest the
Monies
awarded to
them for the
benefit of the
Trust.

And be it Enacted, That such Trustees so appointed as aforesaid, so soon as they shall have received such monies as shall be awarded 40 to them by the said Commissioners, shall forthwith invest the same in the best and most advantageous manner for the uses and purposes of such trusts respectively, regard being had as well to the nature of the security by which such principal monies may be assured as to the rate of interest payable on the same.

AND

AND whereas by the said first-recited Act it is among other things enacted, that no toll shall be taken, and that no money arising from tolls on any Turnpike Roads shall be laid out in paving, repairing or cleansing any street, road or highway within the limits of any city or market or borough town for which there shall not be any local Act, and which said limits shall be fixed and determined for the purposes of this Act, with respect to every such city or market or borough town respectively, by the said Commissioners upon the report and recommendation of the County Roads Board acting in and for the county to which any such city or market or borough town shall belong: AND whereas the limits of the several cities and market and borough towns which are subject to the powers and provisions of the said Act have been fixed and determined by the said Commissioners in the manner by the said Act prescribed; but it is expedient that power should be vested in some competent authority to vary or extend such limits in any particular case from time to time, as circumstances may require; BE it Enacted, That after the termination of the said Commission it shall be lawful for one of Her Majesty's Principal Secretaries of State, if he shall think fit, by order under his hand, upon the recommendation of the County Roads Board acting in and for the county to which any such city or market or borough town shall belong, to vary or extend the limits which shall have been fixed and determined for the same respectively by the said Commissioners as aforesaid.

9.
Secretary of
State em-
powered to
extend or
vary the
limits of
Towns after
the Commis-
sion has ter-
minated.

AND whereas by the said recited Act it is enacted, that from and after the repeal of the said local Acts respectively, when any Toll shall have been once taken in respect of any horse or other animal not drawing, or of any horse or other animal drawing, any carriage or vehicle at any Toll-gate or bar within any of the said counties, no Toll shall be thereafter taken in respect of the same horse or other animal, or in respect of the same carriage or other vehicle, on the same day (to be computed from Twelve of the clock of the night to Twelve of the clock in the next succeeding night), for repassing through the same gate or bar, or for passing or repassing through any other gate or bar in the same county, within the distance of Seven Miles from the gate or bar at which such Toll shall have been taken, such distance being measured along Turnpike Roads only, nor for passing or repassing through any gate or bar in any other of the said counties adjoining, within the distance of Two Miles from the gate or bar at which such toll shall have been taken, to be measured as aforesaid, along and in respect of Turnpike Roads within either of such counties, nor within One Mile measured as aforesaid, from the boundary of such counties; BE it Enacted, That so much of the said recited Act as enacts that no such Toll as last-mentioned shall be taken for passing

10.
Repeal of part
of 7 & 8 Vict.,
c. 91, s. 52.

or repassing through any gate or bar within One Mile, measured as aforesaid, from the boundary of such counties, shall be and the same is hereby repealed.

11.
Waggons on
springs not to
be liable to
higher rate of
Tolls than
Caravans.

AND whereas doubts have arisen as to the description of carriages which may be liable to Toll according to the provisions of the said recited Act under the denomination of caravans; BE it Enacted, That no waggon, wain, cart, or other such like carriage, shall be liable to Toll as a caravan by reason of its being constructed on springs, unless the same shall be customarily employed in the conveyance of passengers for hire.

5

10

12.
Interpretation
of Words to
be the same
as in former
Act.

And be it Enacted, That the words used in this Act shall be construed according to the same rules of interpretation as are prescribed in the said recited Act.

13.
Act may be
amended in
the present
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES

SCHEDULES

TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (A.)

1.—A PIECE of Road leading out of the present Turnpike Road from Llandowror to Haverfordwest, at or near a place called Tavernspite, in the county of Pembroke, and joining a certain other Turnpike Road leading from Llandowror to Hobbs Point, at or near a place called the Red Roses, in the county of Carmarthen.

2.—A piece of Road lying between Carmarthen Bridge and the toll-gate, now called Pensarn Gate.

3.—A piece of Road lying between the northern end of the bridge, over the Tovey at or near Llangathen, and the main Road from Carmarthen to Llandilo Fawr.

4.—So much of the Road leading from Carmarthen to Lampeter as lies between the main Turnpike Road from Carmarthen to Llandilo and Glangwilly bridge.

5.—A Piece of Road extending from a place called Long Cross, on the Road from Cardiff to Rumney Bridge, to the Road from Roath Church to the Merthyr Tydvil and Cardiff Road.

SCHEDULE (B.)

1.—A PORTION of the Turnpike Road between the towns of Brecon and Hay, of the length of half-a-mile or thereabouts, and lying within the county of Radnor, as part of the county Roads of the county of Brecknock.

2.—All those parts of the Turnpike Road leading from Neath to Merthyr Tydvil towards Abergavenny, as far as Rhydyblew, which lie in the counties of Brecknock and Monmouth respectively, as part of the county Roads of the county of Glamorgan.

3.—Two several portions of Turnpike Road lying in the county of Hereford, and situate respectively between the termination of the Mortimers Cross Trust and New Radnor, and also so much of the Turnpike Road between Knighton and Walton as lies in a certain detached part of the county of Hereford, as parts of the county of Radnor.

Turnpike Trusts (South Wales).

A

B I L L

To make certain further Provisions for the Consolidation of Turnpike Trusts in South Wales.

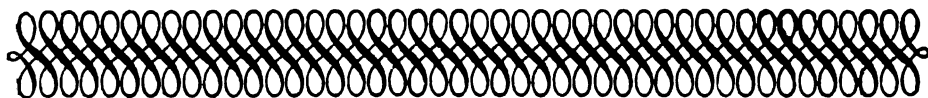
(*Prepared and brought in by
Mr. Cripps and Mr. Manners Sutton*).

*Ordered, by The House of Commons, to be Printed,
27 June 1845.*

418.

Under 1 oz.

9 July 1845.—9 VICT.



A

B I L L

To make further Provisions as to Stock and
Dividends unclaimed.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

W^{**H**}**HEREAS** by an Act passed in the fifty-sixth year of the Preamble.
reign of his late Majesty King GEORGE the Third, intituled,
“An Act to authorize the transferring Stock upon which Dividends
shall remain unclaimed for the Space of at least Ten Years at the Bank
5 of England, and also all Lottery Prizes or Benefits and Balances of
Sums issued for paying the Principals of Stocks or Annuities which
shall not have been demanded for the same Period to the Commis-
sioners for the Reduction of the National Debt,” provision is made
for transferring all capital Stock in respect of which any Annuities
10 constituting part of the National Debt are payable at the Bank of
England, and upon or in respect of which the dividends shall be due
and remain unclaimed for the space of Ten Years, and the balances of
sums issued for paying the principals of Stocks or Annuities which
shall not have been demanded for the same period to the Commis-
15 sioners for the Reduction of the National Debt, and by the said Act
provision is made for enabling parties entitled thereto to procure a
re-transfer of such Stock, and payment of the dividends due thereon;
and it is necessary to make further provisions in relation thereto;
BE it therefore Enacted, by The QUEEN’s most Excellent
20 MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, **THAT**, in every
case in which any dividends or dividend accrued due on any
Stocks, Funds or Annuities constituting any part of the National
Debt,
476.

1.
When any
Dividends on
Stock have
remained
unclaimed for
Ten Years,

A

the same to be paid to the Commissioners for the Reduction of National Debt.

Debt, and transferable at the Bank of England, shall not have been demanded for the period of *Ten Years* or upwards preceding the last day upon which any dividend shall have become due or payable upon or in respect of the same Stocks, Funds or Annuities, such dividends or dividend and all other dividends since accrued in respect of the same Stocks, Funds or Annuities, shall immediately after the expiration of such period of *Ten Years* be paid to the account of the Commissioners for the time being for the Reduction of the National Debt, and shall be by them invested in the manner directed by the said recited Act with respect to the dividends upon Stocks, Funds and Securities transferred to the said Commissioners in the manner therein mentioned ; and it shall be lawful for the Governor or Deputy Governor for the time being of the Bank of England, or for the High Court of Chancery, to direct the payment of such dividends to any persons or person claiming to be entitled thereto in the same manner in all respects as is by the said Act directed with respect to the Stocks, Funds and Securities transferred to the said Commissioners as therein mentioned.

Payment of such Dividends to Claimants to be directed as in other cases.

2.
Notice to be given by Advertisement before re-transfer or payment of any Stock or Dividends to any Claimant.

And be it Enacted, That no re-transfer of any capital Stock exceeding the sum of *Twenty Pounds*, or of any Terminable Annuities exceeding *One Pound* per annum, shall be made from the account of the said Commissioners, under the authority of the said recited Act, to any persons or person, nor shall payment be made under the authority of the said recited Act, or of this Act, of any dividends or dividend exceeding *Twenty Pounds* in the whole until *Three* calendar Months' notice thereof shall have been given by advertisement in one or more daily Newspapers circulating in London, and also, if the said Governor and Company shall think fit, in one or more provincial Newspapers ; and every such notice shall state the name, description and addition of the person in whose name the unclaimed Stock or dividends stood when transferred to the said Commissioners, and the amount thereof, and the name of the claimant, and the time at which such re-transfer or payment will be made, if no other claimant shall sooner appear and make out his claim ; and when and so often as any such Stock shall be directed to be transferred, or such dividends to be paid by any order of the High Court of Chancery, such notice shall also state the purport or effect of such order.

3.
Any person may apply to the Court of Chancery to rescind or vary any order before actual re-transfer or payment, and when any Stock or

And be it Enacted, That it shall be lawful for any persons or person at any time before the actual re-transfer of any such Capital Stock or Annuities, or before payment of any such dividends to any such Claimant as aforesaid, to apply to the Court of Chancery by motion or petition to rescind, alter or vary any order made for such transfer

transfer or payment, and after any such transfer or payment shall have been actually made, it shall not be lawful for the Court of Chancery to order the said Commissioners for Reduction of the National Debt to transfer or pay the same sum to any new claimant.

Dividends are once re-transferred or paid, no further Order to be made for the transfer or payment of the same Stock or Dividends.

- 5 AND whereas under and in pursuance of an Act made and passed in the thirty-third year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act for placing the Stock called East India Annuities under the Management of the Governor and Company of the Bank of England, and ingrafting the same on the Three Pounds per
- 10 Centum Reduced Annuities, in redemption of a Debt of Four Millions Two hundred thousand Pounds, owing by the Public to the East India Company, and for enabling the said Company to raise a Sum of Money by a further Increase of their Capital Stock, to be applied in discharge of certain Debts of the said Company," certain Annuities payable out
- 15 of the public revenue, and theretofore granted to the East India Company, and then held partly by the said East India Company and partly by various persons to whom the last-named Company had assigned the same, were converted into Three Pounds per Centum Reduced Annuities, transferable at the Bank of England, and the dividends then
- 20 remaining unclaimed in respect of such East India Annuities were paid over to the said Governor and Company of the Bank of England: AND whereas the said Governor and Company have now in their hands the sum of Three thousand Six hundred and Sixty-three Pounds Thirteen Shillings and Eight-pence, part of such last-mentioned Un-
- 25 claimed Dividends, which have continued unclaimed for upwards of Forty Years; BE it Enacted, That the said Governor and Company shall forthwith after the passing of this Act, pay the said sum of Three thousand six hundred and Sixty-three Pounds Thirteen Shillings and Eight-pence to the account of the said Commissioners for Reduction of
- 30 the National Debt, and the same shall thenceforth be and remain subject to the claims and demands of the proprietors of the Stock in respect whereof the said dividends accrued in such and the same manner as if the same had been paid over under the provisions of the said recited Act of the fifty-sixth year of King GEORGE the Third, and
- 35 the said Governor and Company shall be indemnified from all claims and demands in respect thereof.

4. The sum of 3,663*l.* 13*s.* 8*d.* arisen from unclaimed Dividends on East India Annuities, to be paid to Commissioners for the Reduction of the National Debt.

- And be it Enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the time being, from time to time, and at any time, to authorize and empower the said Governor and Company of the Bank of
- 40 England to inquire into and investigate the circumstances of any
- 476.

5. Lords of the Treasury may authorize inquiries into the circumstances of unclaimed Stocks and Dividends.

Payment of
Expenses, &c.

Stocks, Funds, Annuities or Dividends remaining unclaimed for the time being, with a view to ascertain the owners thereof, and to allow to the said Governor and Company such compensation as to the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, shall seem just for their trouble and expenses to be incurred in and about such inquiries and investigation, and also from time to time to allow to the said Governor and Company a reasonable compensation for all costs and expenses to be incurred by them in and about the notices and advertisements hereby directed, and other the services required or authorized by this Act, which compensation may be deducted rateably from the Stocks and Dividends to be from time to time re-transferred or paid, and with reference to which such trouble, costs and expenses shall have been incurred, and such services performed respectively, or the same may be paid by the said Commissioners for the Reduction of the National Debt out of the Stocks and Dividends to be received by them under and by virtue of the said first-recited Act, or this Act, and which shall not be claimed.

6.
Interpreta-
tion Clause.

And be it Enacted, That the word " Stocks " in this Act shall extend to any Stocks, Funds or Annuities which now are or at any time hereafter shall be transferrible at the Bank of England ; and that, except where the sense or context is repugnant to such construction, the plural number in this Act shall be construed to include the singular, and the masculine gender to include the feminine.

7.
Act may be
amended, &c.
during pre-
sent Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Unclaimed Stock and Dividends.

A

B I L L

To make further Provisions as to Stock and
Dividends unclaimed.

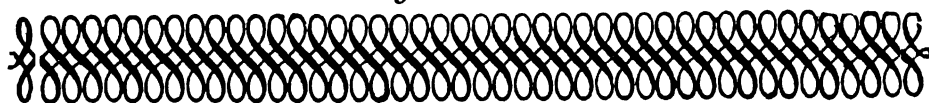
(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Mr. Cardwell.)

Ordered, by The House of Commons, to be Printed,
9 July 1845.

476.

Under 1 oz.

17 July 1845.—9 VICT.



(Ireland.)

A

B I L L,

INTITULED,

AN ACT to amend the Laws in force in Ireland for Unions and Divisions of Parishes, for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same.

WH **H**EREBY by an Act passed in the Session of Parliament holden in the seventh and eighth years of his late Majesty King GEORGE the Fourth, intituled, "An Act to consolidate and amend the Laws in force in Ireland for Unions and Divisions of

Preamble :

7 & 8 G. 4.
c. 43.

5 Parishes, and for uniting or disappropriating appropriate Parishes or Parts of Parishes ; and to make further Provision with respect to the erecting Chapels of Ease, and making Perpetual Cures," it is, amongst other things, enacted, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being,
10 with the assent of the major part of his Majesty's Privy Council in Ireland in Council assembled, Six at least assenting, and with the advice and approbation of the Archbishop of the Province and the Bishop of the Diocese, certified under their hands and archiepiscopal and episcopal seals, with the consent of the respective
15 patrons, certified under their hands and seals, attested by Two or more credible Witnesses subscribing thereto, to divide old parishes, or to separate any parish or part of a parish heretofore united, in whatever manner such union may have been effected, and to unite parishes one to another, or any part of a parish to another parish
20 or part of a parish in perpetuity, and to erect such divided or united parishes or parts of parishes into new parishes, with all parochial rights :"

523.

A

And

And whereas it is expedient that the said provision should be extended ;

1.
The Lord
Lieutenant
and Privy
Council in
Ireland, with
the consent of
the Arch-
bishop, Bishop
and Patrons,
may unite
parts of Two or
more Parishes
to any other
Parish or
Parishes, or
part or parts
of a Parish or
Parishes.

~~BE it therefore Enacted~~, by The QUEEN's most Excellent MA-
JESTY, by and with the Advice and Consent of the Lords Spiritual 5
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, THAT it shall be lawful for such
Lord Lieutenant or other Chief Governor or Governors, with assent of
the major part of the Privy Council as aforesaid, in like manner, and
with such advice, approbation and consent respectively as aforesaid, 10
certified or attested as aforesaid, to unite parts of one or more
parishes to any other parish or parishes, or part or parts of a parish or
parishes, and to erect such united parishes or part or parts of a parish
or parishes, or such unions, into new parishes, with all parochial rights;
and all such unions made under this Act shall be subject to the several 15
provisions of the said recited Act in respect to unions made under
that Act, save and except so far as the same would be repugnant to
this Act: Provided always, That nothing in this provision contained
shall be construed to prejudice the powers in the said recited Act con-
tained as to unions or divisions of parishes.

2.
7 & 8 G. 4,
c. 43, s. 19.

AND whereas by the said recited Act it is, amongst other things, also 20
enacted, "that when Two or more churches or parishes shall be
united into one, in pursuance of the said Act, the same having formerly
had distinct patrons, in such cases the Lord Lieutenant or other Chief
Governor or Governors of Ireland for the time being, and Privy 25
Council, with the advice and approbation of the respective Arch-
bishop and Bishop in whose province and diocese the said churches
were situate, shall divide the patronage by turns among the
patrons, giving to each of them a right to present oftener and seldomer,
according to the true yearly value of the respective parish or 30
parishes whereof they are patrons, the consent of each patron
being first had, and entered in the instrument for erecting the said
union; and such settlement or settlements as aforesaid shall be final
and binding to all patrons, whether ecclesiastical or lay patrons,
and to all parties for ever; reserving always unto every Archbishop 35
and Bishop, Registrars and Schoolmasters, their respective dues
payable out of every such parish so united; provided always, that
where The Queen's Majesty, Her heirs and successors, is or shall be
entitled to the presentation of any of the said parish churches so to
be united, he and they shall, from and immediately after such union,
upon the then first vacancy, have the first presentation of an Incum- 40
bent unto such united church, and afterwards, upon the then next
vacancy, the other respective patrons severally, as the Lord Lieu-
tenant or other Chief Governor or Governors and Council aforesaid,
with

with the advice and approbation aforesaid, shall direct and appoint, regard being had to the respective values of the several parishes so to be united as aforesaid, and so in course respectively in manner aforesaid :” AND whereas it is expedient that further provision should be made for the settlement of the Patronage of Ecclesiastical Unions ;

5 BE it therefore Enacted, That where, in pursuance of the said recited Act or this Act, Two or more churches or parishes shall be united into one, or where any parish or part of a parish or parts of parishes shall be united to any other parish or parishes or part of a parish

10 or parts of parishes, in every such case it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, with the assent of Her Majesty’s Privy Council in Ireland as aforesaid, if he and they shall so think fit, and with the advice and approbation of the Archbishop and the Bishop in whose

15 province and diocese the said churches, parishes, part or parts of a parish or parishes are situate, certified under their hands and archiepiscopal and episcopal seals, and with the consent of each patron or person, or body politic, corporate or collegiate, whose ecclesiastical patronage shall be in anywise affected by the creation of such union

20 (every such consent to be first had and entered in the instrument for erecting the said union), to make and establish such a settlement or distribution of the patronage of such union, and of the patronage of all unions and parishes from which any parish or parishes, or any part of a parish or any parts of parishes have been severed, in order to create such union, as in the opinion of such Lord Lieutenant or other

25 Chief Governor or Governors and Privy Council as aforesaid the justice of the case shall require ; and every such settlement or distribution shall be final and binding to and upon all patrons, whether ecclesiastical or lay patrons, and to and upon all parties for ever ;

30 reserving always unto every Archbishop and Bishop, Registrar and Schoolmaster, their respective dues payable out of every such parish or part of a parish so united : Provided always, That in every case where the consent of The QUEEN’S Majesty, Her heirs or successors, is to be given to any such settlement or distribution of patronage, or to making any union, under this Act, the consent in that behalf of the

35 Lord Lieutenant or other Chief Governor or Governors of Ireland, under his or their hand and seal or hands and seals, shall to all intents and purposes be as good and valid in law as if the consent of Her Majesty, Her heirs or successors, had been thereunto signified by

40 Letters Patent under the Great Seal of Ireland.

When new Unions are created, the Lord Lieutenant and Council, with the assent of the Archbishop, Bishop and Patrons, may make a settlement of the Patronage.

The consent of the Crown as Patron may be given by the Lord Lieutenant.

And be it Enacted, That in case the Lord Lieutenant or other Chief Governor or Governors of Ireland and Privy Council shall, by virtue of the powers in that behalf in them vested under any Act now in force or under this Act, divide old parishes, or separate any parish or part or parts of a parish or parishes heretofore united, and in case the

3.
In cases of divisions of Parishes, &c. power to apportion charges for Improvements on Glebes, &c.

Incumbent of any union or parish or part of a parish divided or separated shall by virtue of any law or statute be entitled to receive from the next successor of such incumbent in such union, parish or parishes, or part thereof, any sum or sums of money on account of any purchase of or addition to glebes, or of any buildings or improvements, or of money paid by such person to his immediate predecessor on such accounts respectively, then and in every such case it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council to order and direct that such sum or sums of money shall be charged and chargeable in such shares and proportions as they shall think just and reasonable upon the several parishes or part or parts of parishes respectively theretofore united ; and such shares and proportions shall be paid and payable by the several Incumbents of such parishes respectively, or part or parts of parishes respectively, to such person and at such times and in such manner as the whole of such sum or sums of money would have been payable by virtue of any law or statute in force in Ireland in case such division or separation had not taken place: Provided always, That it shall and may be lawful for every such Incumbent or other person, or his representatives, having paid any such share or proportion in manner aforesaid, to receive and recover from his next and immediate successor such part of such share and proportion, at such time and by such ways and means as if such share or proportion had been paid by him to his next and immediate predecessor by virtue of any law or statute in force in Ireland, unless there shall be any provision to the contrary thereof contained in such order of such Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid, in which last-mentioned case such part of such share or proportion shall not be recoverable from such successor.

4.
The division
of the Union
of Burn-
church shall,
if so ordered
by the Lord
Lieutenant
and Council,
take effect
forthwith.

AND whereas it is expedient, and hath been agreed between and by the Archbishop of Dublin and the Bishop of Leighlin, Ferns and Ossory, and the present Incumbent of the Ecclesiastical Union of Burnchurch, hereinafter mentioned, situate in the diocese of Ossory and county of Kilkenny (in case the consent and approbation of the said Lord Lieutenant or other Chief Governor or Governors and Privy Council should be given thereto), that the said Union should be divided, and that such division should be made to take effect forthwith ; BE it therefore Enacted, That every order or instrument to be made or executed in pursuance or by virtue of the said Act of the seventh and eighth years of King GEORGE the Fourth and of this Act, or of any of them, for or in respect of the division of the said Ecclesiastical Union of Burnchurch, or in relation to making any new Union, to be composed wholly or in part of any part or parts of such present Union of Burnchurch, or in relation to the ecclesiastical patronage affected or to be affected by such division or any such new union as last

last aforesaid, shall come into operation and take effect from and immediately after the making or execution of such order or instrument, or at such time or times as may be appointed in such order or instrument, as fully and effectually, to all intents and purposes, as the same would under the said recited Act or this Act come into operation or
5 take effect upon the decease of the then Incumbent or Incumbents of all and every or any parish, parishes or part or parts of a parish or parishes affected thereby.

AND whereas under the provisions of the said recited Act and
10 other Acts for the dissolution of unions of parishes in Ireland, certain parishes have been disunited, and constitute distinct benefices, in each of which benefices so disunited a parish church has not as yet been built: AND whereas under the provisions of this present Act parishes
15 may be disunited, and new parishes may be erected, in which churches have not as yet been built; BE it therefore Enacted, That until a parish church be built in any such disunited or newly erected parish, the marriages of parties dwelling therein may be celebrated according to the rites of the United Church of England and Ireland in the parish church of any adjoining parish.

5.
Where no
Parish Church,
Marriages
may be cele-
brated in
Church of
adjoining
Parish.

And be it Enacted, That this Act may be amended or repealed by
any Act to be passed in this present Session of Parliament.

6.
Act may be
amended, &c.
this Session.

Unions (Ireland).

(Ireland.)

A

B I L L,

INTITULED,

AN ACT to amend the Laws in force in Ireland
for Unions and Divisions of Parishes, for the
Settlement of the Patronage thereof, and the
Celebration of Marriages in the same.

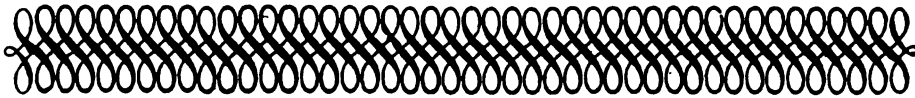
(*Brought from the Lords, 17 July 1845.*)

*Ordered, by The House of Commons, to be Printed,
17 July 1845.*

523.

Under 1 oz.

5 May 1845.—8 VICT.



A

B I L L

To regulate Admission to the Lay or Secular Chairs of the Universities of Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ it is expedient to regulate Admission to the Lay or Secular Chairs or Offices in the Universities and Colleges of Scotland, so as to make the law and practice in that matter uniform throughout that part of the United Kingdom, and to render
5 henceforth unnecessary certain acknowledgments and declarations now required by law, but not generally or uniformly enforced, or in themselves necessary or expedient; ~~Be it Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this
10 present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, it shall not be necessary for any person elected, presented or provided to the office of Professor, Principal, Regent, Master, or other office in any of the Universities or Colleges in Scotland, at or before or in order to his admission to
15 office, to make or subscribe before the Presbytery of the Bounds or elsewhere, any acknowledgment or declaration that the Confession of Faith of the Church of Scotland, as ratified by Parliament, is the Confession of his Faith, or that he will practise and conform to the Worship in use in the said Church, and submit himself to the govern-
20 ment and discipline thereof, any law or practice to the contrary notwithstanding.

Preamble.

1.
Professors,
&c. in the
Scottish Uni-
versities not
required to
subscribe
Confession
of Faith.

Provided always, and be it Declared and Enacted, That nothing in this Act contained shall extend or be held or construed to extend to the Chairs of Divinity, Theology or Church History, or to any of the said offices, the holders of which are ex-officio Members of the Theological Faculty in any of the said Universities or Colleges.

2.
Act not to ex-
tend to Chairs
of Divinity,
&c. in the
Universities
of Scotland.

276.

And

3.
All existing
Laws and
Statutes so far
as inconsis-
tent with this
Act repealed.

And be it Enacted, That all laws, statutes and usages now in force respecting Admission to the Lay or Secular Chairs and offices in the said Universities and Colleges be and the same are hereby repealed, in so far as inconsistent or at variance with the provisions of this Act: Provided always, That the same shall be in force in all other respects whatsoever.

Universities of Scotland.

A

B I L L

To regulate Admission to the Lay or Secular
Chairs of the Universities of Scotland.

(Prepared and brought in by
Mr. Rutherford Mr. Fox Maule, and
Mr. Macaulay.)

Ordered, by The House of Commons, to be Printed,
5 May 1845.

7 July 1845.—9 VICT.



(Ireland.)

A

B I L L

To continue an Act of the Second and Third Years of Her present Majesty, intituled, “ An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of his late Majesty GEORGE the Fourth, to amend an Act passed in the Fiftieth Year of his Majesty GEORGE the Third, for preventing the administering and taking unlawful Oaths in Ireland.”

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREA **S** an Act was passed in the fiftieth year of the reign of his Majesty King GEORGE the Third, intituled, “ An Act for the more effectually preventing the administering and taking of unlawful Oaths in Ireland, and for the Protection of Magistrates and Witnesses in Criminal Cases :”

Preamble:
50 Geo. 3,
c. 102.

And whereas the said Act was amended by an Act passed in the fourth year of the reign of his Majesty King GEORGE the Fourth, intituled, “ An Act to amend and render more effectual the Provisions of an Act made in the Fiftieth Year of his late Majesty’s Reign, for preventing the administering and taking unlawful Oaths in Ireland :”

4 Geo. 4, c. 87.

And whereas the provisions of the said last-recited Act were extended and rendered more effectual by an Act passed in the Session of Parliament holden in the second and third years of the reign of Her present Majesty, intituled, “ An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of the Reign of his late Majesty King GEORGE the Fourth, to amend an Act passed in the Fiftieth Year of his Majesty GEORGE the Third, for preventing the administering and taking unlawful Oaths in Ireland :”

2 & 3 Vict.,
c. 74.

457.

And

7 & 8 Viet.,
c. 78.

And whereas by an Act of the last Session of Parliament the said last-recited Act was continued for the further period of One Year from the First day of September in the year One thousand eight hundred and Forty-four, and will expire on the First day of September in this present year; and it is expedient that the same should be further continued and amended as hereinafter provided ; 5

1.
Last-recited
Act continued
for One Year,
as hereby
amended.

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said last-recited Act of the second and third years of the reign of Her present Majesty, subject to the amendment hereinafter contained, shall be and continue in full force and effect for the further period of *Two Years* from the said First day of September in this present year, and until the *End of the then next Session of Parliament*. 10 15

2.
So much of
last-recited
Act as enacts
that persons
having in
possession
Copies of
Passwords,
&c. shall be
deemed guilty
of unlawful
combination,
&c. repealed.

And be it Enacted, That from and after the *passing of this Act*, so much of the said last-recited Act as enacts that any person who after the day therein mentioned shall knowingly have in his possession any copy, written or printed, of any such password or passwords as therein mentioned, or other secret mode of communication, or of any oath, engagement, test or declaration made use of or purporting to be made use of by any such Society as in the said last-recited Act mentioned, or by any division of any Society declared to be unlawful by the said Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, and shall not be able satisfactorily to account for the same, shall be deemed guilty of an unlawful combination and confederacy, and shall be liable to such and the like penalties, proceedings and punishment as by the said Act of the second and third years of the reign of Her present Majesty is provided, shall be and the same is hereby repealed. 20 25 30

3.
Act may be
amended, &c.
this Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Valuation (Ireland).

A

B I L L

[AS AMENDED BY THE COMMITTEE, AND ON
RE-COMMITMENT]

To amend the Law relating to the Valuation of
Rateable Property in Ireland.

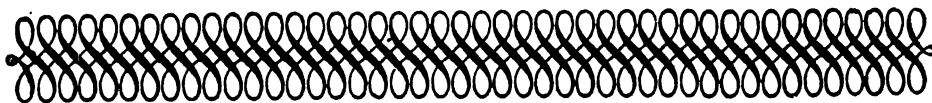
(Prepared and brought in by
*Sir Thomas Fremantle and Mr. Attorney-
General for Ireland.*)

*Ordered, by The House of Commons, to be Printed,
21 July 1845.*

550. +

Under 3 oz.

30 June 1845.—9 VICT.



(Ireland.)

A

B I L L

To amend the Law relating to the Valuation of Rateable
Property in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

- W**^{*HER*}**ER**^{*EA*}**S** it is expedient to amend the Laws now in force
for the Valuation of Lands and Tenements in the several
Baronies, Parishes and other Divisions of Counties in Ireland ; ~~Be it~~
~~therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by
5 and with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the Au-
thority of the same, THAT, so far as relates to the valuation of any
county which is to be valued under the provisions of this Act, and to
10 the applotment of Grand Jury Cess therein, such parts as are hereinafter
mentioned of an Act passed in the Session of Parliament held in the sixth
and seventh years of the reign of his late Majesty King WILLIAM the
Fourth, intituled, " An Act to consolidate and amend the several Acts
for the uniform Valuation of Lands and Tenements in Ireland, and
15 to incorporate certain detached Portions of Counties and Baronies with
those Counties and Baronies respectively whereto the same may adjoin,
or wherein the same are locally situate," be repealed ; (that is to say)
so much of the said Act as requires that the valuation of all lands for
the purposes of the said Act shall be made with reference to the aver-
age prices specified of the several articles therein set forth ; so much
20 of the said Act, as provides that for the purposes of the said Act all
houses comprised in the valuation thereby directed to be made shall
be valued at the sum or rent for which each such house can be let by
the year, deducting therefrom one-third part of such sum or rent ; so
much of the said Act as provides that no house for which a greater
sum or rent by the year than Five Pounds could not be obtained, shall
be included in the said valuation ; and so much of the said Act as
425. A provides
- Preamble.
1.
Repeal of
certain Pro-
visions in
6 & 7 W. 4,
c. 84.
- Repeal of
sect. 9.
- Repeal of
sect. 10.
- Repeal of
sect. 13.

provides that the water-power of any mill or manufactory be only valued so far as it may actually be used, and that such valuation shall not extend to or include the value of any machinery contained within such mill or manufactory; so much of the said Act as relates to the appointment and assembling of the Committee of Appeal for any barony or baronies, and to the proceedings by the said Act directed to take place before, or in reference to, the said Committee of Appeal; and so much of the said Act as requires the Commissioner of Valuation to transmit to the High Constable or other Collector of County Cess for the barony, printed copies of the lists of the several parishes within such barony, in the form set forth in Schedule No. I. to the said Act annexed; so much of the said Act as relates to the summoning of vestries in the several parishes of a barony for the consideration of the said lists, and for determining the necessity or propriety of appealing against such lists, and to the proceedings by the said Act directed to take place before, and in reference to, the said vestries; and so much of the said Act as relates to the publication of the said lists or tables of parishes and townlands as decided on by the said Committee of Appeal; so much of the said Act as authorizes any Committee of Revision to inquire, consider and determine whether the several baronies of the said county have been equally and properly valued with reference to the standards fixed for such valuation by the said Act, or correct any errors in such valuation by reason of the standard required by the said Act not having been adhered to in such valuation; so much of the said Act as relates to the re-assembling of the Committee of Revision at some assizes within Three Years next after the publication of the list and valuation of all the baronies of each county, and as relates to the proceedings to be had subsequent to the re-assembling of such Committee of Revision; and so much of the said Act as requires the treasurer of each county to furnish copies of the field-books and field-maps used in the valuation to any person or persons requiring the same for the applotment of Grand Jury Cess, and provides for the preparation of copies of the said books and maps, and the raising of the expense of making the same; and the said several parts of the said Act are hereby repealed, so far as relates to the valuation of any county which is to be valued under the provisions of this Act, and to the applotment of Grand Jury Cess therein: Provided nevertheless, That all acts, matters and things heretofore done under the provisions of the said Act shall be and remain valid and effectual to all purposes whatsoever, and that any valuation already made or begun under the provisions of the said Act, or of any previous Act thereby amended or repealed, shall be valid and effectual as if this Act had not been passed, subject nevertheless to the provisions hereinafter contained as to the re-valuation of those counties, the valuation whereof has already been completed and published or begun.

Repeal of
part of s. 5.
and of ss. 26,
27, 28, 29, 30,
31, 32, 33, 34.

Repeal of
ss. 19, 20, 21,
22, 23, 24, 25.

Repeal of
s. 36.

Repeal of
part of s. 37.

Repeal of
ss. 41, 42, 43.

Repeal of
s. 44.

AND

And be it Enacted, That, so far as relates to the assessment and levying of Grand Jury Rates or County Cess Charges in any county, the valuation whereof shall be made under the provisions of this Act, so much of an Act passed in the Session of Parliament held in the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland," as relates to the Applotment of Grand Jury Cess, and so much of the said Act as relates to the imposing and levying of County Cess Charges, Grand Jury Rates and Parish Rates, according to the proportions therein specified, be and the same is hereby repealed.

3.
Applotment
under 6 & 7
W. 4, c. 116,
s. 150 and 151,
repealed.

And be it Enacted, That it shall be lawful for the Lord Lieutenant to appoint such and so many Sub-Commissioners, being professional Valuers, as may be recommended to him from time to time by the Commissioner of Valuation as fit and proper persons to fill that office; and every such Sub-Commissioner shall be competent, when directed by the Commissioner of Valuation so to do, to attend and act in the hearing and determining of appeals against the valuation of tenements, as hereinafter is provided; and every such Sub-Commissioner shall have the same power to enter into or upon any house or land as any Commissioner of Valuation or Valuator appointed under the provisions of the said first-mentioned Act, subject to the same conditions as are therein provided.

4.
Lord Lieuten-
ant may
appoint Sub-
Commission-
ers of Valua-
tion, who
shall have
power to
enter on lands,
&c.

And be it Enacted, That in every valuation hereafter to be made under the provisions of the said Act first above mentioned, so far as the same are not hereby repealed, and of this Act, the Commissioner of Valuation shall cause to be valued every tenement which is a rateable hereditament, under the provisions of an Act passed in the Session of Parliament held in the first and second years of the reign of Her present Majesty Queen VICTORIA, intituled, "An Act for the more effectual Relief of the destitute Poor in Ireland," and shall also cause every such tenement, however minute, to be separately valued by the valuator, and the valuation thereof shall be made upon an estimate of the net annual value; that is to say, of the rent for which one year with another the same might in their actual state be reasonably expected to let from year to year, the probable annual average cost of the repairs, insurance and other expenses, if any, necessary to maintain the hereditaments in their actual state, and all rates, taxes and public charges, if any, except tithe-rent-charge, being paid by the tenant.

5.
Tenements to
be valued
separately
according to
the fair let-
ting value.
according to
provision of
1 & 2 Vict.,
c. 56, s. 64.

And be it Enacted, That in all cases of property which is or shall be liable to the payment of any rate or assessment under the provisions of an Act passed in the ninth year of his late Majesty King GEORGE the Fourth, intituled, "An Act to make Provision for lighting, cleans-

6.
Separate
Valuations for
Municipal
purposes
under 6 & 7
Vict., c. 93,
s. 18.

ing and watching of Cities, Towns Corporate and Market-towns in Ireland in certain cases," and which is or shall be by law exempted from the rate, or not rateable to, or which shall not be included in the rate for the relief of the poor in the Union wherein the same may be situate, and in the case of dwelling-houses valued together with other property, the said Commissioner of Valuation shall cause to be made and declared separate valuations of all or any such property and dwelling-houses, and every such separate valuation of property, not rateable as aforesaid, shall contain in a separate column a statement of the ground of such exemption ; and the said Commissioner of Valuation shall transmit a copy of such separate valuation to the Guardians of the Union in which the said property or dwelling-houses may be situated, together with the list of tenements hereinafter directed to be sent to such Guardians ; and thereupon the provisions contained in an Act passed in the Session of Parliament held in the sixth and seventh years of Her present Majesty Queen VICTORIA, intituled, " An Act to amend an Act of the third and fourth years of Her present Majesty, for the Regulation of Municipal Corporations in Ireland," shall be deemed to apply to such separate valuation, in like manner as if the same had been made under the provisions of the said last-mentioned Act.

7.
Annual average cost of Landlord's Repairs and Insurances to be ascertained under 6 & 7 Vict., c. 92, s. 10.

And be it Enacted, That in respect of all rateable hereditaments situated in any of the boroughs named in the Schedules (A.) and (B.) annexed to the Act passed in the fourth year of the reign of Her present Majesty, intituled, " An Act for the Regulation of Municipal Corporations in Ireland," or in any other town to which a Charter of Incorporation may under the said Act be granted, the said Commissioner of Valuation shall cause to be estimated, in addition to the net annual value of each tenement as hereinbefore directed, the probable annual average cost of the landlord's repairs and landlord's insurance.

8.
Lists of Tenements when valued to be sent to the High Constable of the Barony.
See 6 & 7 W. 4, c. 84, s. 19.

And be it Enacted, That when and so soon as the valuation of all the parishes within any barony shall be completed, the Commissioner of Valuation shall prepare and make out a List or Table of the several tenements contained in each townland in every such parish ; and the said Commissioner of Valuation shall transmit a sufficient number of printed copies of such Lists, in the Form (A.) set forth in the Schedule annexed to this Act, to the high constable or other collector of the County Cess or Grand Jury Rate in or for the barony ; and the said Commissioner of Valuation shall specify at the foot of the Lists of tenements in each parish, hereinbefore directed to be made, the day and place appointed by him for hearing appeals against the valuation of the separate tenements contained in the said Lists, as is hereinafter provided.

And

And be it Enacted, That every High Constable or collector to whom printed copies of any such Lists shall be transmitted as aforesaid, shall forthwith transmit the same to the churchwardens or churchwarden of the parish to which the said Lists relate, or to such other persons in any parish or division as are authorized by the said first-mentioned Act to summon a special vestry, as by the said Act is directed; and such churchwardens or other persons, so authorized as aforesaid, shall forthwith, on the receipt of the said Lists, fix a notice on the principal outer door of the church and of any one Roman Catholic chapel, and of any one Presbyterian meeting-house within the parish, stating the time and place at which the said Lists may be inspected, and shall, at all reasonable hours, on every day from and after the receipt of the said Lists for *Twenty-eight* Days then next ensuing, permit the said Lists to be inspected by any occupier of lands or tenements within the parish, or any rate-payer in respect of any rateable hereditament therein, and shall permit such occupier or rate-payer to take extracts therefrom at all reasonable times as aforesaid; and shall also forthwith, on the receipt of the said Lists, affix printed copies thereof on the principal outer door of the church, and of any one Roman Catholic chapel, and of any one Presbyterian meeting-house within such parish, there to remain affixed for Two successive Sundays after the affixing thereof; and if any such copy or copies of the said Lists shall be removed from the church or other place where the same shall have been posted or affixed as aforesaid, or shall be destroyed or defaced, at any time within *Fourteen* Days after affixing the same, the churchwardens or churchwarden shall post and affix, or cause to be posted and affixed, a new copy or copies of every such List on the door of such church, chapel or meeting-house respectively, and so from time to time when any such copy shall be defaced or destroyed.

9.
Parish Lists
to be trans-
mitted to
Church-
wardens, who
shall exhibit
them.

See 6 & 7 W.
4, c. 84, s. 20.

And be it Enacted, That at any time within Twenty-eight Days from the affixing of the said List of tenements by the churchwarden or other person authorized and the posting of the said notice as afore-said, any person aggrieved by the valuation of any tenement in the said List contained may send or deliver to the high constable of the barony a notice in writing, duly signed by him the said person aggrieved, of his intention to appeal against the said valuation, on the ground of the disproportion of the valuation of any tenement as compared with the valuation of any other tenement, or on the ground of the valuation not having been made on a just and proper estimate of the net annual value of the said tenement; and the ground of appeal shall be stated in such notice; and the high constable shall transmit the said notices of appeal to the Commissioner of Valuation

10.
Notice of
Appeal to be
sent to High
Constable of
Barony in
Twenty-eight
Days.

And be it Enacted, That on the receipt of such notices of appeal as aforesaid, the Commissioner of Valuation may, if he shall think fit, send

11.
Commissioner of
Valuation
may cause
Tenements to

said, any person aggrieved by the valuation of any tenement in the said List contained may send or deliver to the high constable of the barony a notice in writing, duly signed by him the said person aggrieved, of his intention to appeal against the said valuation, on the ground of the disproportion of the valuation of any tenement as compared with the valuation of any other tenement, or on the ground of the valuation not having been made on a just and proper estimate of the net annual value of the said tenement ; and the ground of appeal shall be stated in such notice ; and the high constable shall transmit the said notices of appeal to the Commissioner of Valuation.

11.
Commissioner of Valuation may cause Tenements to be valued again before the hearing of Appeals.

And be it Enacted, That on the receipt of any such notice or notices of appeal as aforesaid, the Commissioner of Valuation may, if he shall think fit, send down a Valuator on whose judgment and skill he can rely, and who shall not have been previously employed in making the original valuation of the barony, to examine and value the several tenements the valuation whereof has been appealed against, and any other tenement the valuation whereof it may be necessary to consider in the hearing of such appeals.

12.
Sub-Commissioners to meet.

And be it Enacted, That the Commissioner of Valuation shall direct two Sub-Commissioners to hear and determine the appeals against the valuation of the tenements in each of the parishes of the said barony, and shall furnish them with the notices of appeal, or copies thereof, which may have been transmitted by the high constable of the barony as hereinbefore directed, and the said Sub-Commissioners shall meet at the day and place appointed for the hearing of such appeals ; and the churchwardens of the parish shall attend the said Sub-Commissioners, and produce the list of tenements in the said parish, and it shall be lawful for such Sub-Commissioners to adjourn their meeting from time to time, as they shall see fitting and convenient.

13.
Field Books to be produced before Sub-Commissioners, who may summon Witnesses ;

And be it Enacted, That the Commissioner of Valuation shall cause to be produced before such Sub-Commissioners all or any of the field books which shall have been transmitted to such Commissioner from the Valutors of any parish, in case the same shall be required ; and it shall be lawful for such Sub-Commissioners to send their precept or precepts, under their hands and seals, to any person or persons whomsoever, to attend and appear and be examined before such Sub-Commissioners ; and all and every person or persons who shall be called upon or summoned by any such precept shall and they and he are and is hereby required and directed to attend such Sub-Commissioners at such time and times and place and places as shall be appointed ; and it shall be lawful for such Sub-Commissioners, and they or either of them are hereby authorized and empowered to examine any such person or persons upon oath, or by way of affirmation

and examine them on oath.

tion or declaration, as the case may be, and such Sub-Commissioners or either of them shall and they and each of them are hereby authorized and empowered to administer such oath or affirmation or declaration to any person or persons respectively; and all and every such persons or person shall answer upon oath or affirmation as aforesaid to all questions which shall be put to them by such Sub-Commissioners or either of them; and if any person or persons shall, upon his, her or their examination before such Sub-Commissioners, wilfully and corruptly give false evidence, every such person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such pains and penalties as by any law in force and effect in Ireland persons guilty of Perjury are subject and liable to.

Penalty for Perjury.

See 6 & 7 W. 4, c. 84, s. 28; and 3 & 4 W. 4, c. 49, s. 1.

And be it Enacted, That, if upon the hearing of any such appeal, it shall appear to the Sub-Commissioners that there is any just cause of complaint against such valuation, or any part thereof, either by reason of the disproportion of the valuation of any tenement, as compared with the valuation of any other tenement, or by reason of the valuation not having been made on a just and proper estimate of the net annual value of the said tenement, as is hereinbefore directed, or on any other account whatsoever, it shall be lawful for such Sub-Commissioners, if they shall see fit, to alter or amend such valuation.

14.
Sub-Commissioners may alter or amend Valuation.

And be it Enacted, That if any person or persons shall find himself or themselves aggrieved by an order or decision of such Sub-Commissioners, it shall be lawful for such person or persons to appeal to any sessions of the peace to be held in the presence of the Assistant Barrister in and for the county in which such order decision shall have been made, within Four calendar Months next after the making of such decision or order aforesaid, or if such sessions shall be held before the expiration of One calendar Month next after such cause of complaint, then such appeal shall be made to the next following sessions.

15.
CLAUSE (A.)
Appeal from Sub-Commissioners to Sessions of the Peace.

And be it Enacted, That the Justices and the Assistant Barrister before whom any appeal shall be brought, are hereby empowered and required to hear and determine the matter of such appeal, and to make such order therein as to them shall seem fit, which order shall be final and conclusive on all parties.

16.
CLAUSE (B.)

And be it Enacted, That the person or persons so appealing as aforesaid shall give or cause to be given at least Fourteen Days' notice in writing, of his or their intention of appealing as aforesaid, and of the matter and cause thereof, to the Commissioner of Valuation as the Respondent in the said appeal; and the Justices and Assistant Barrister to whom such appeal shall be made, shall not

17.
CLAUSE (C.)
Notice of Appeal to Commissioner of Valuation.
Recognizance to be entered into by Appellant.
Costs may be given.
See 1 & 2 Vict. c. 56, ss. 109, 111 & 112.

See 1 & 2
Vict. c. 56,
ss. 109, 111
& 112.
See 2 Vict.
c. 1, s. 9.

See 6 & 7
Vict. c. 92,
s. 8.

examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal; and the provisions of the said Act passed in the Session of Parliament held in the first and second years of Her present Majesty, and of an Act passed in the second year of Her said Majesty, intituled, "An Act to amend an Act of the First and Second Year of Her present Majesty, for the more effectual Relief of the Destitute Poor in Ireland," and of an Act passed in the Session of Parliament held in the sixth and seventh years of the reign of Her said Majesty, intituled, "An Act for the further Amendment of the Act for the more effectual Relief of the Destitute Poor in Ireland," which require certain recognizances to be entered into by parties appealing against a conviction or poor-rate under the said Acts, and which empower the Justices and Assistant Barrister or Recorder to award costs to the party appealing or appealed against, and which relate to the jurisdiction of the Sessions of the Peace in certain cases, shall extend to appeals made to the Sessions of the Peace under this Act.

18.

CLAUSE (D.)
Lists of Baro-
nies to be
made out, and
Day fixed for
meeting of
Committee of
Revision.

And be it Enacted, That so soon as the valuation of all the baronies in any county shall have been completed in manner aforesaid, and all appeals which may be made to the Sessions of the Peace as aforesaid shall have been decided, the said Commissioner shall prepare and make out a List or Table, in the Form (B.) to this Act annexed, of all the several baronies within such county, and shall transmit a copy of such List or Table, signed by such Commissioner, and dated on the day of the transmission thereof, to the Secretary of the Grand Jury of such county, and shall at the foot of the copy of such List specify the day appointed by such Commissioner of Valuation for the meeting of the first preliminary Committee of Revision of the said county, at the county court-house of the said county for the revision of the valuation of the said baronies, which day shall not be sooner than Eight Weeks next after the date of the copy of such List, signed by such Commissioner; and such Secretary of the Grand Jury shall give notice of the day and place appointed for the revision of such List, by letters addressed to each and every of the persons who shall have been nominated and appointed by the Grand Jury in pursuance of this Act to be the Committee of Revision for such county; and such Secretary of the Grand Jury shall also give notice of such day and place of meeting of such Committee of Revision, by an advertisement to be inserted in some public newspaper usually circulated in such county, in some publication of such newspaper Six Weeks at least before the day appointed for such meeting.

19.

CLAUSE (E.)
Committee of
Revision to
meet and
revise Valua-
tion of
Baronies.

And be it Enacted, That at the day appointed for the meeting of such Committee of Revision, the members of such Committee of Revision, together with the Commissioner of Valuation or his assessor, shall

shall meet in the court-house of such county, and shall there proceed to inquire, and consider and determine whether the several baronies of the said county have been equally and properly valued, pursuant to the directions of this Act, with reference to the respective valuations of the several baronies as compared with each other; and the said Commissioner of Valuation shall produce or cause to be produced before the said Committee of Revision, if they shall require the same, all the field-books containing the valuation of the several parishes within the several baronies of the said county, and such field-books shall and may be consulted, perused and examined by the said Committee of Revision, or any member thereof; and if upon such examination, or otherwise, it shall appear to such Committee of Revision that any excessive or defective valuation has been made of any barony, or on any other account whatsoever, it shall be lawful for such Committee of Revision to correct any errors which may appear to them upon examination and inquiry to have been made in such valuations, so as to make the valuation of the respective baronies just and equal, and in due proportion with each other; and it shall be lawful for such Committee of Revision to adjourn from time to time as they shall see fitting and convenient.

And be it Enacted, That so soon as the List and valuation of all the baronies within the county shall have been completed and agreed on under the provisions of the said first-mentioned Act and this Act by the Committee of Revision, the said Commissioner of Valuation shall, in every case in which the total value of any townland, parish or barony shall have been altered by the decision of that Committee, alter the value of the tenements in such townland, parish or barony, so far as may be rendered necessary by the decision of that Committee, but in such manner as to preserve the relative value of the said tenements, as determined previously to the assembling of the said Committee; and the said Commissioner of Valuation shall prepare and make out and sign, in the Form (C.) to this Act annexed, a List of the several baronies in the county, and the valuation thereof, as confirmed or amended by the said Committee of Revision; and shall also make out and sign, in the Form (D.) to this Act annexed, a List of the several parishes within each barony of the county, and of the several townlands within each parish, according to the valuation thereof as so decided; and shall also make out and sign, in the Form (E.) to this Act annexed, a List comprising those tenements only in each townland and parish of every barony in the said county which, under the provisions of the said Acts passed in the Session of Parliament held in the sixth and seventh years of his late Majesty King WILLIAM the Fourth, were made liable to be included in the applotment for Grand Jury Rates and County Cess; and the Commissioners of Valuation shall transmit the said Lists so signed as aforesaid to the

550.

B +

Treasurer

20.
After Valuation has been agreed to by the Committee of Revision, Lists of Baronies, Parishes, Townlands and Tenements are to be transmitted to the County Treasurer.

Treasurer for the county : Provided nevertheless, That in making out the List of tenements so rateable as aforesaid, the said Commissioner of Valuation shall deduct from the value of all houses comprised in the said List, One-third part of the value thereof, and the said houses shall be rateable to Grand Jury Cess and parish rates according to the value thereof so reduced. 5

21.
CLAUSE (F.)

And be it Enacted, That from and after the end of the Assizes next after the transmission of such Lists, so signed as aforesaid, to the Treasurer of the county, all County Cess, Charges and Grand Jury Rates imposed or to be imposed, levied or to be levied, under the authority of any Act or Acts of Parliament, shall be assessed upon and levied off such county, and off every barony, parish and townland therein, according to the proportions specified in such Lists so signed and transmitted as aforesaid in the Forms (C.) and (D.) to this Act annexed respectively ; and the said list of tenements in the Form (E.) aforesaid shall from and after the end of the Assizes next after the transmission thereof to the Treasurer of the county, be in lieu of the applotment theretofore made for the levying of Grand Jury Rates, and all County Cess, charges and parish rates within the said county. 10 15

22.
List of Tenements to be sent to Boards of Guardians when the Valuation is completed.

And be it Enacted, That 'so soon as the valuation of any barony within a county shall have been completed in the manner aforesaid, the said Commissioner of Valuation shall transmit to the Board of Guardians of the union in which any townland comprised in the said valuation is situate, a copy of the valuation of the several tenements in the said townland, in the Form (F.) to this Act annexed, signed by him the said Commissioner of Valuation. 20 25

23.
Rates to be made thereon after Sixty Days from the receipt of the Lists.

And be it Enacted, That every rate for the relief of the destitute poor in every union which shall be made after Sixty Days from the time when the Board of Guardians shall have received the valuation of all the townlands comprised in the union, shall be made upon the valuation so signed and transmitted as aforesaid by the Commissioner of Valuation, and upon no other. 30

24.
Appeal to Quarter Sessions against Poor Rates taken away, as to questions of value.

And be it Enacted, That so much of the said Act passed in the Session of Parliament held in the first and second years of the reign of Her Majesty Queen VICTORIA, and so much of the said Act passed in the second year of Her said Majesty, and so much of an Act passed in the Session of Parliament held in the sixth and seventh years of the reign of Her said Majesty, intituled, " An Act for the further Amendment of an Act for the more effectual Relief of the Destitute Poor in Ireland," as may authorize any Justices or Assistant Barrister or Recorder, on appeal being made to them at quarter sessions, to amend, alter or quash any rate on account of the net annual value assigned therein 35 40

therein to any tenement, shall not extend or apply to any rate for the relief of the destitute poor made and assessed on such tenement in conformity with the valuation thereof signed by the Commissioner of Valuation as aforesaid.

- 5 And be it Enacted, That the Treasurer of the county to which any such valuation as is hereinbefore directed relates shall, within One Month after he shall have received from the Clerk of the Crown the copies of the presentments of the preceding assizes, assess the sums collectable from each manor, parish, townland or other denomination
 10 upon the several tenements contained therein by an equal poundage rate upon the value thereof as set forth in the Lists transmitted to the said treasurer by the Commissioner of Valuation as aforesaid, and shall sign and transmit the said assessment in the Form (G.) to this Act annexed, to the collector duly authorized to collect the same, together with the
 15 warrant which, by the provisions of the said Act, intituled, "An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland," the said Treasurer is required to issue to the said collector so authorized as aforesaid; and the said collector, on receiving such warrant and assessment, is hereby required
 20 and authorized to levy the said sums according thereto, by the same powers and means as in the said last-mentioned Act are provided for the levying and collecting of Grand Jury Cess, and the said sums so assessed as aforesaid shall be chargeable on the lands and premises mentioned in such warrant and assessment, and shall be paid and
 25 payable by the same person or persons, and may be sued for in the same manner, as in the said Act is provided.

25.
County
Treasurer to
assess Grand
Jury Rates
upon Tene-
ments by a
Poundage
Rate on the
value set
forth in the
Lists.

Assessment
to be trans-
mitted with
Warrant to
Cess Col-
lector, under
6 & 7 W. 4,
c. 116, s. 149.

- AND for the purpose of providing for the necessary alteration and revision of the said valuation from time to time, in the cases of those tenements the limits whereof shall become changed, or whereof the
 30 value shall be altered by any building being erected thereon or thrown down, as the case may be; BE it Enacted, That within Ten Days from the expiration of One Year after the completion of any valuation of a county made under the provisions of this Act, every collector of poor-rates within any barony of the said county shall deliver to the High
 35 Constable thereof a List of all the tenements situate within every townland in the said barony for which he is collector, the value of which tenements shall require revision for any of the reasons aforesaid, and the High Constable shall prepare from the said Lists a full and complete List of all such tenements within the entire barony, and
 40 shall transmit the same within Twenty Days from the expiration of the said year to the Commissioner of Valuation.

26.
Revision of
Valuation in
certain cases
to take place
after the
lapse of One
Year.

And be it Enacted, That after the receipt of the said last-mentioned List and within such reasonable time thereafter as shall be convenient
 550.

27.
Commis-
sioner of
Valuation

possible to the correct amount, without using any such fraction of a penny smaller than a Halfpenny as aforesaid.

33.
Revision of
Valuation in
certain cases
to take place
after the
lapse of One
Year.

AND for the purpose of providing for the necessary alteration and revision of the said valuation from time to time, in the cases of those tenements the limits whereof shall become changed, or whereof the value shall be altered by any building being erected thereon or thrown down, as the case may be; BE it Enacted, That within Ten Days from the expiration of One Year after the completion of any valuation of a county made under the provisions of this Act, every collector of poor-rates within the said county shall lay before the Board of Guardians of the Union for which he is a collector, a List of all the tenements situate within every townland in the said county which is within his district, the value of which tenements shall require revision for any of the reasons aforesaid, and the clerk of the Union shall prepare from the said Lists a full and complete List of all such tenements within so much of the said Union as may be situate within the said county, and shall transmit the same within Twenty Days from the expiration of the said year to the Commissioner of Valuation. 5 10 15

34.
Commis-
sioner of
Valuation
shall cause a
revision to be
made of such
Tenements,
and transmit
Lists of re-
vised Tene-
ments to
County Trea-
surer and
Board of
Guardians.

And be it Enacted, That after the receipt of the said last-mentioned List and within such reasonable time thereafter as shall be convenient and suitable, the said Commissioner of Valuation shall cause a revision to be made of the value of the tenements in the several townlands and parishes of the said county, the limits or value whereof shall have been altered as aforesaid, whether such tenements so altered in limits or value shall have been included in the said Lists or not; and so soon as the said revision shall have been made, shall make out and prepare a List of the tenements so revised as aforesaid, and shall sign the same, and shall transmit a List of such tenements therein as are rateable to Grand Jury Cess to the Treasurer of the county, in the Form (L.) to this Act annexed, and a List of the tenements therein rateable to the poor-rates of any union to the guardians of the said union, in the Form (M.) to this Act annexed; and shall also make and transmit to the Commissioners appointed under the said Act of the ninth year of his late Majesty King GEORGE the Fourth, a separate valuation of any such property or dwelling-houses as he is hereinbefore required to value separately, and which shall not have been previously so valued by him as hereinbefore directed, or which having been previously so valued by him, shall require further valuation for either of the causes aforesaid. 20 25 30 35

35.
Assessment
to Grand
Jury Rates
thereafter to
be made ac-
cordingly.

And be it Enacted, That from and after the end of the assizes next ensuing the receipt of the said List of revised tenements rateable to County Cess, the Treasurer of the county shall, in preparing the assessment in any manor, parish, townland or other denomination, 40

as

as hereinbefore directed, prepare the same in accordance with the List of revised tenements, and the assessment so made shall be valid and effectual to all intents and purposes; and the sums so assessed shall be recoverable by the same ways and means as the sums assessed in accordance with the previous valuation.

And be it Enacted, That the Treasurer of every county valued under the provisions of this Act shall be allowed to charge in his accounts with the Grand Jury the reasonable expenses incurred by him in preparing any assessment which he is required to make under the provisions of this Act.

36.
CLAUSE (P.)
Treasurer to be allowed Expenses incurred by him in preparing Assessments.

And be it Enacted, That in any rate to be made after Thirty Days from the receipt of the said revised List of tenements by the Board of Guardians of any union, the tenements included in the said List shall be rated according to the value thereof, as set forth in the said List.

37.
Assessment to Poor Rates thereafter to be made accordingly.

And be it Enacted, That any person aggrieved by the valuation of any tenement contained in the said Lists of revised tenements, shall have the like power and right of appeal to the Sessions of the Peace as is hereinbefore given to any person aggrieved by the valuation of any tenement contained in the said Lists of tenements in Form (A.) to this Act annexed, subject to the same conditions, and to be exercised in the same manner and to the same extent, as the said power and right of appeal in the case last mentioned.

38.
CLAUSE (N.)
Appeal may be made to Quarter Sessions against revised Valuation of Tenements.

And be it Enacted, That on the expiration of One Year after a revision of the tenements in any barony in manner aforesaid, the officers or persons hereinbefore required to perform certain Acts for the purpose of effecting a revision of tenements as aforesaid, are hereby required to perform the same acts within the respective periods hereinbefore prescribed, for the purpose of effecting a further revision of any tenements, the value whereof shall be altered by a change of limits, or by reason of any building being erected thereon, or thrown down, as the case may be; provided that on every such occasion the period of One Year above mentioned shall be deemed to commence from the time of the receipt of the revised List of tenements in any barony, by the Treasurer of the county as aforesaid; and every thing which is enacted hereby in relation to the first revision of tenements shall be deemed to apply to the said further revision of tenements herein provided.

39.
Similar revisions to take place annually.

And be it Enacted, That at any time, not being less than Seven Years after the completion of the valuation of any county under the provisions of this Act, it shall be lawful for the Lord Lieutenant, on the application of the Grand Jury, to direct the Commissioner of

40.
Re-valuation may be made on application of the Grand Jury after Seven Years.

Valuation to make a new valuation of the said county, and the said Commissioner shall forthwith proceed therein as in the first valuation of the said county made under the provisions of this Act; and the Grand Jury of the said county, and all officers thereof, and every public officer or other person duly authorized, shall perform all acts required to be done by them or him in the same manner and within the same periods as hereinbefore is provided for the first valuation of the said county, and shall have the same powers, privileges and immunities in the performance of their respective duties; and the said new valuation, when completed, shall have the same effect and operation to all intents and purposes as the former valuation, and shall supersede the same; and that which is hereby enacted in relation to such first valuation shall apply in due course and under the same circumstances and conditions to such new valuation as aforesaid.

41.
Counties
valued under
the provisions
of former
Acts to be
valued again
under this
Act, if Grand
Jury shall
apply.

And be it Enacted, That on the application of the Grand Jury of any county which has been valued under the provisions of former Acts, it shall be lawful for the Lord Lieutenant to direct the Commissioner of Valuation to value such county again in conformity with the provisions of this Act, and thereupon the provisions of this Act shall apply to such county in like manner as to any county which has not been valued by the said Commissioner of Valuation before the passing of this Act.

42.
Repeal of
s. 45 of 6 & 7
Will. 4, cap.
84, as to the
Salary of
the Commis-
sioner.

And be it Enacted, That so much of the said first-mentioned Act as enacts, that it shall and may be lawful for the Lord Lieutenant to order and direct that a salary, at the rate of not more than Five hundred Pounds by the year, shall and may be paid to any person who shall be appointed Commissioner of Valuation, and to each and every person who shall be continued as a Commissioner of Valuation under the authority of the said Act, during the time he shall be so employed, shall be and the same is hereby repealed, save and except as to matters heretofore done under the authority of the same.

43.
A Salary not
exceeding
ThreeGuineas
per Day, with
travelling ex-
penses, to be
paid to the
Commis-
sioner.

And be it Enacted, That from and after the passing of this Act, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, to order and direct that a salary, not exceeding the rate of Three Guineas per Day, shall be paid to the Commissioner of Valuation appointed under the authority of the said first-mentioned Act or this Act, during the time he shall be so employed, together with such allowance for travelling and other expenses as may be ordered and directed under the said first-mentioned Act.

44.
A Salary not
exceeding
Thirty Shil-
lings per Day
to be paid to
any Sub-Com-
missioner

And be it Enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors to order and direct that a salary shall be paid to each and every Sub-Commissioner who may be appointed under this Act, not exceeding the rate of One Pound Ten Shillings

Shillings per Day for every day that such Sub-Commissioner shall be employed on the hearing and determining of Appeals as aforesaid, together with a further allowance for the actual expenses incurred by him for travelling and hotel expenses while he shall be so employed as aforesaid.

while employed, with an allowance for expenses.

And be it Enacted, That every Valuator, Surveyor, Measurer, Draftsman, Writing Clerk or other person or persons, shall be entitled to receive for his trouble any sum to be fixed and agreed upon by the Commissioner of Valuation; provided that such sum shall in no case exceed the rate of Twenty Shillings per Day for every day during which such person shall be employed under the orders of the Commissioner of Valuation, upon a certificate signed by such Commissioner stating that such person was so employed for the number of days stated in such certificate, and that such person diligently conducted himself in the execution of this Act in a manner satisfactory to such Commissioner.

45.
Every Valuator, Surveyor, &c. to be paid a sum to be agreed on by the Commissioner, not exceeding Twenty Shillings per Day.

And be it Enacted, That so much of the first-mentioned Act as relates to the advancing and defraying the salary and allowance for travelling and other expenses of the Commissioner of Valuation, and the salaries and allowances payable to any person employed in carrying the said Act into execution, shall extend and apply to the defraying and advancing the salaries and allowances of the said Commissioner of Valuation and Sub-Commissioners, and of any Valuator, Surveyor, Measurer, Draftsman, Writing Clerk, or other person employed as aforesaid, in carrying the said first-mentioned Act and this Act into execution; and such last-mentioned salaries, allowances and sums shall be defrayed, advanced, repaid, presented, levied and provided for in the same manner and by the same ways and means, and subject to the same regulations as the salary and allowances payable to the Commissioner of Valuation, or such other persons under the provisions of the said first-mentioned Act.

46.
Salaries and allowances of Commissioner, &c. to be paid as under 6 & 7 Will. 4, c. 84.

And be it Enacted, That if any public officer or other person shall omit or refuse or neglect to do any act which he is hereby required to do, he shall, on conviction thereof before Two Justices of the Peace, be liable to a penalty not exceeding Twenty Pounds for every such offence, to be recovered in the same manner as penalties are recoverable under the provisions of the said first-mentioned Act.

47.
Penalties on public officer or persons neglecting to do any act which they are required to do.

And be it Enacted, That the terms used in this Act shall be construed as the same terms are construed when used in the said first-mentioned Act, and that all provisions relating to counties, baronies, parishes or townlands, shall extend to the same counties or divisions or denominations respectively as those to which the provisions of the said Act relating to such counties, baronies, parishes or townlands are

48.
Construction of terms.

580.

C

construed

construed to extend ; provided that where the term “ Assizes ” is used in this Act, it shall be construed to mean, in reference to the county of Dublin, the “ presenting term ; ” and that where the word “ Assistant Barrister ” is used, it shall be construed, in reference to the said county, to mean “ the Chairman of Kilmainham ; ” and that where the word “ Treasurer ” is used, it shall be construed, in reference to the said county of Dublin, to mean “ the Finance Committee : ” Provided also, That the enactments now in force for the apportionment of county and baronial charges, and the applotment thereof in the county of Dublin shall continue in force until the assizes next after the completion of the valuation of the said county under the provisions of this Act, and no longer. 5 10

49.
CLAUSE (Q.)
Certain
provisions of
this Act not
to extend to
Counties of
Cities or
Towns.

And be it Enacted, That in the valuation of any county of a city or town under the provisions of this Act, such documents as are hereby in other counties required to be transmitted to the High Constable of a barony, or other collector of County Cess therein, shall be transmitted to the Clerk of the Peace of the said county of a city or town, and that all acts required to be done in other counties by the Constable of a barony, or other collector of County Cess, shall be done by the Clerk of the Peace for the said county of a city or town : Provided also, That those provisions of this Act or any former Act which relate to the appointment and assembling of the Committee of Revision of Baronies, and to the proceedings to be had before, or in reference to, such Committee, and those provisions of this Act which relate to the transmission or publication of lists in the Forms (B.), (E.), (F.) and (G.) to this Act annexed, shall not extend to any county of a city or town which may be valued under the provisions of this Act. 15 20 25

50.
Act may be
amended this
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES

SCHEDULES TO WHICH THIS ACT REFERS.

FORM (A.)

County of _____

Barony _____

Parish _____

Primary Valuation of Tenements.

Townland _____

Letter and Number in Field-book.	Name of Occupier.	Name of Immediate Lessor.	Description of Tenement.	Extent of Land.			Net Annual Value of Land.	Net Annual Value of Dwelling-house.	TOTAL Net Annual Value.
				A.	R.	P.			

FORM (B.)

Barony of B. in the County of C.

VALUATION of LANDS, &c. within the several Parishes and Townlands in the said Barony, made in pursuance
of the Act 8 and 9 Vict., c. , for the Valuation of Lands in Ireland.

	Acres.	Annual Value of Lands, &c.	Total in each Parish.	
			Acres.	Value.
Parish of A.		£.	No.	
Townland D. - - - - -	250	120		
----- E. - - - - -	100	100		
----- F. - - - - -	50	25		
Total in the Parish of A. - - -			400	245
Exemptions in the Parish of A.				
Parish of G.				
Townland H. - - - - -	60	100		
----- I. - - - - -	47	37		
----- K. - - - - -	160	240		
Total in the Parish of G. - - -			267	377
Exemptions.				
&c. &c. &c.				
Total in Barony - - -			667	622

FORM (C.)

Valuation of Tenements rateable to Grand
Jury Rates or County Cess.

Barony _____
Parish _____
Townland _____

Letter and Number in Field-book.	Name of Occupier.	Description of Tenement.	Extent of Land.			Net Annual Value of Dwelling-house.	Rateable Value of Dwelling-house.	Net Annual Value of Land.	TOTAL Rateable Value.
			A.	R.	P.				

FORM (D.)

County of _____

Assessment to Grand Jury Rates.

Barony _____
Parish _____
Townland _____

Letter and Number in Field-book.	Name of Occupier.	Description of Tenement.	Rateable Value.	Rate at in £.

FORM (E.)

County of C.

VALUATION of LANDS, &c. within the several Baronies in the said County, made in pursuance of the Act
8 & 9 Vict. c. ., for the Valuation of Lands in Ireland.

Baronies.	Parishes.	Acres.	Annual Value of Lands, &c.	Total in each Barony.	
				Acres.	Value.
A.	- - B. - -	No. 140	£. 90	340	£. 190
	Exemptions.				
	F. - -	200	100		
	Exemptions.				
	Total of Barony A. - - -				
I.	- - K. - -	400	200	480	240
	Exemptions.				
	N. - -	80	40		
	Exemptions.				
	Total of Barony I. - - -				
&c.	&c.	&c.	&c.	&c.	&c.
Total of all the Baronies in the County - - -					

The meeting of the Committee of Revision named by the Grand Jury of the said County is appointed for
the _____ day of _____ next, at the County Court House at _____
for the revision of the foregoing valuation. Dated this _____ day of _____ 18 .

C. V.
Commissioner of Valuation of the said County.

FORM (F.)

County of _____

VALUATION of LANDS, &c. within the several Baronies in the said County, made in pursuance of the Act 8 & 9 Vict., c. , for the Valuation of Lands in Ireland.

Baronies.	Parishes.	Acres.	Annual Value of Lands, &c.	Total in each Barony.	
				Acres.	Value.
A.	- - B. - -	No. 140	£. 90	340	190
	Exemptions.				
	F. - -	200	100		
	Exemptions.				
	Total of Barony A. - - - -				
I.	- - K. - -	400	200	480	240
	Exemptions.				
	N. - -	80	40		
	Exemptions.				
	Total of Barony I. - - - -				
&c.	&c.	&c.	&c.	&c.	&c.
Total of all the Baronies in the County - - -					

FORM (G.)

Barony of B. in the County of C.

VALUATION of LANDS, &c. within the several Parishes and Townlands in the said Barony, made in pursuance of the Act 8 & 9 Vict., c. , for the Valuation of Lands in Ireland.

	Acres.	Annual Value of Lands, &c.	Total in each Parish.	
			Acres.	Value.
Parish of A.		£.	No.	£.
Townland D. - - - - -	250	120	400	245
----- E. - - - - -	100	100		
----- F. - - - - -	50	25		
Total in the Parish of A. - - -				
Exemptions in the Parish of A.				
Parish of G.				
Townland H. - - - - -	60	100	267	377
----- I. - - - - -	47	37		
----- K. - - - - -	160	240		
Total in the Parish of G. - - -				
Exemptions.				
&c. &c. &c.				
Total in Barony - - -			667	622

FORM (E.)

Valuation of Tenements rateable to Grand
Jury Rates or County Cess.

Townland _____

Letter and Number in Field-book.	Name of Occupier.	Description of Tenement.	Extent of Land.			Net Annual Value of Dwelling-house.	Rateable Value of Dwelling-house.	Net Annual Value of Land.	TOTAL Rateable Value.
			A.	R.	P.				

FORM (F.)

County of _____

Valuation of Tenements rateable
to Poor Rates.

Barony _____

Parish _____

Townland _____

Letter and Number in Field-book.	Name of Occupier.	Name of Immediate Lessor.	Description of Tenement.	Extent of Land.			Net Annual Value of Dwelling-house.	Net Annual Value of Land.	Total Net Annual Value.	Probable Annual Cost of Land- lord's Repairs and Insurance when Tenement is in a Borough comprised in Schedules (A.) or (B.), 3 & 4 Vict., c. 108, or in a town since incorporated.
				A.	R.	P.				

FORM (G.)

County of _____

Assessment to Grand Jury Rates.

Barony _____

Parish _____

Townland _____

Letter and Number in Field-book.	Name of Occupier.	Description of Tenement.	Rateable Value.	Rate	
				at	in £.

FORM (H.)

County of _____

Barony _____

Revised Valuation of Tenements rateable to
County Cess or Grand Jury Rates.

Parish _____

Townland _____

Letter and Number in Field-book.	Present Distinctive Letter or Number of Tenement.	Name of Occupier.	Description of Tenement.	Extent of Land.			Net Annual Value of Dwelling-house.	Rateable Value thereof.	Net Annual Value of Land.	TOTAL Rateable Value.
				A.	R.	P.				

FORM (I.)

County of _____

Barony _____

Revised Valuation of Tenements rateable
to Poor Rates.

Parish _____

Townland _____

Letter and Number in Field-book.	Present Distinctive Letter or Number of Tenement.	Name of Occupier.	Name of Immediate Lessor.	Description of Tenement.	Extent of Land.			Net Annual Value of Dwelling-house.	Net Annual Value of Land.	Total Net Annual Value.	Probable Annual Cost of Landlord's Repairs and Insur- ance when Tene- ment is in a Bo- rough comprised in Schedules (A.) or (B.), 3 & 4 Vict., c. 108, or in a Town since incorporated.
					A.	R.	P.				

Valuation (Ireland).

A

B I L L

[AS AMENDED BY THE COMMITTEE, ON
RE-COMMITMENT,
AND ON SECOND RE-COMMITMENT]

To amend the Law relating to the Valuation of
Rateable Property in Ireland.

(Prepared and brought in by
*Sir Thomas Fremantle and Mr. Attorney-
General for Ireland.*)

*Ordered, by The House of Commons, to be Printed,
28 July 1845.*

580.

Under 4 oz.

VALUATION (IRELAND) BILL.

C L A U S E S

Proposed to be inserted after Clause 17 and before Clause 18 of the Bill.

And be it Enacted, That so soon as the Valuation of any Barony within a County shall have been made in manner aforesaid, and all appeals which may have been made to the Sessions of the Peace as aforesaid shall have been decided, the said Commissioner of Valuation shall prepare and make out, in the Form (B.) to this Act annexed, a list of the several parishes within such Barony, and of the several townlands within each such parish according to the Valuation thereof so decided upon; and shall also prepare and make out, in the Form (C.) to this Act annexed, lists comprising those tenements only in each townland and parish of every Barony in the said County, which, under the provisions of the said Acts passed in the Session of Parliament held in the sixth and seventh year of his late Majesty King WILLIAM the Fourth, were made liable to be included in the applotment for Grand Jury Rates and County Cess, and the said Commissioner of Valuation shall sign the said lists, and transmit the same, so signed, to the Treasurer of the County; and a copy of the said list in Form (B.) shall be published by the said Commissioner in some newspaper circulated in the county to which such Valuation shall relate: Provided nevertheless, That in making out the lists of tenements aforesaid the said Commissioner shall deduct from the value of the houses comprised in the said lists One-third part of the value thereof, and the said houses shall be rateable to Grand Jury Cess according to the value thereof so reduced.

Where the Valuation of any Barony has been made and decided on, Lists of the several Parishes, Townlands and Tenements shall be prepared and transmitted to the Treasurer of the County.

And be it Enacted, That from and after the end of the Assizes next after the transmission of such Lists, so signed as aforesaid, to the Treasurer of the county, and until the end of the Assizes next after the Valuation of all the baronies in the said county shall have been agreed on by the Committee of Revision, as hereinafter provided, all County Cess Charges and Grand Jury Rates imposed or to be imposed, levied or to be levied, upon the said Barony, or any division thereof, under the authority of any Act or Acts of Parliament, shall be assessed upon and levied off the said Barony, and every parish and townland therein, according to the proportions specified in such Lists so signed and transmitted as aforesaid in the Form (B.) to this Act annexed; and the said list of tenements in the Form (C.) aforesaid shall

Valuation to be used for the Barony until the Assizes next after the meeting of Committee of Revision.

21.

CLAUSE (I.)
County Treasurer to assess Grand Jury Rates upon Tenements by a Poundage Rate on the value set forth in the Lists.

Assessment to be transmitted with Warrant to Cess Collector, under 6 & 7 W. 4, c. 116, s. 149.

And be it Enacted, That the Treasurer of the county in which any such Barony shall be situate shall, within Eight Weeks after he shall have received from the Clerk of the Crown the copies of the presentments of the preceding assizes, assess the sums collectable from each manor, parish, townland or other denomination in the said Barony upon the several tenements contained therein by an equal poundage rate upon the value thereof, as set forth in the Lists transmitted to the said Treasurer by the Commissioner of Valuation as aforesaid, and shall sign and transmit the said assessment in the Form (D.) to this Act annexed, to the collector duly authorized to collect the same, in addition to the warrant which, by the provisions of the said Act, intituled, "An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland," the said Treasurer is required to issue to the said collector so authorized as aforesaid; and the said collector, on receiving such warrant and assessment, is hereby required and authorized to levy the said sums according thereto, by the same powers and means as in the said last-mentioned Act are provided for the levying and collecting of Grand Jury Cess, and the said sums so assessed as aforesaid shall be chargeable on the lands and premises mentioned in such warrant and assessment, and shall be paid and payable by the same person or persons, and may be sued for in the same manner, as in the said Act is provided.

22.

CLAUSE (K.)
But not to affect the relative proportion borne by such Barony.

Provided always, and be it Enacted, That the publication of the list and valuation of any Barony, as aforesaid, shall not alter or affect the relative proportion of County cess or charges which by any laws or usage may be or have been borne by such Barony as compared with any other Barony or Baronies.

23.

CLAUSE (D.)
Lists of Baronies to be made out, and Day fixed for meeting of Committee of Revision.

And be it Enacted, That so soon as the valuation of all the baronies in any county shall have been completed in manner aforesaid, and all appeals which may be made to the Sessions of the Peace as aforesaid shall have been decided, the said Commissioner shall prepare and make out a List or Table, in the Form (E.) to this Act annexed, of all the several baronies within such county, and shall transmit a copy of such List or Table, signed by such Commissioner, and dated on the day of the transmission thereof, to the Secretary of the Grand Jury of such county, and shall at the foot of the copy of such List specify the day appointed by such Commissioner of Valuation for the meeting of the Committee of Revision of the said county, at the county courthouse of the said county for the revision of the valuation of the said baronies, which day shall not be sooner than Eight Weeks next after the date of the copy of such List, signed by such Commissioner; and such Secretary of the Grand Jury shall give notice of the day and place appointed for the revision of such List, by letters addressed to each and every

every of the persons who shall have been nominated and appointed by the Grand Jury in pursuance of this Act to be the Committee of Revision for such county ; and such Secretary of the Grand Jury shall also give notice of such day and place of meeting of such Committee
 5 of Revision, by an advertisement to be inserted in some public newspaper usually circulated in such county, in some publication of such newspaper Six Weeks at least before the day appointed for such meeting.

And be it Enacted, That at the day appointed for the meeting of
 10 such Committee of Revision, the members of such Committee of Revision, together with the Commissioner of Valuation or his assessor, shall meet in the court-house of such county, and shall there proceed to inquire, and consider and determine whether the several baronies of the said county have been equally and properly valued,
 15 pursuant to the directions of this Act, with reference to the respective valuations of the several baronies ; and the said Commissioner of Valuation shall produce or cause to be produced before the said Committee of Revision, if they shall require the same, all the field-books containing the valuation of the several parishes within the several baronies
 20 of the said county, and such field-books shall and may be consulted, perused and examined by the said Committee of Revision, or any member thereof ; and if upon such examination, or otherwise, it shall appear to such Committee of Revision that any excessive or defective valuation has been made of any barony, or on any other account
 25 whatsoever, it shall be lawful for such Committee of Revision to correct any errors which may appear to them upon examination and inquiry to have been made in such valuations, so as to make the valuation of the respective baronies just and equal, and in due proportion with each other ; and it shall be lawful for such Committee of Revision
 30 to adjourn from time to time and from place to place as they shall see fitting and convenient.

24.
 CLAUSE (E.)
 Committee of
 Revision to
 meet and
 revise Valua-
 tion of
 Baronies.

And be it Enacted, That when any such Committee of Revision shall think fit to alter the amount of the valuation of any barony, it shall and may be lawful for them to alter the amount of the valuation
 35 of any parish or parishes, townland or townlands of such barony, in such manner and to such extent as the said Committee shall think just, with regard to the reason or principle on which the gross amount of the valuation of such barony may have been altered by them.

25.
 CLAUSE (L.)
 Committee of
 Revision may
 alter the
 Valuation of
 any division
 of a Barony,
 as well as of
 the whole
 Barony.

And be it Enacted, That so soon as the List and valuation of all
 40 the baronies within the county shall have been completed and agreed on under the provisions of the said first-mentioned Act and this Act by the Committee of Revision, the said Commissioner of Valuation shall, in every case in which the total value of any townland,
 580. parish

26.
 After Valua-
 tion has been
 agreed to by
 the Com-
 mittee of
 Revision,
 Lists of Baro-
 nies, Parishes,

VALUATION (IRELAND) BILL.

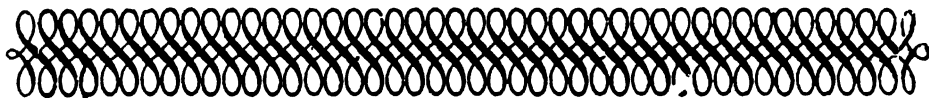
CLAUSES

Proposed to be inserted after Clause 17 and
before Clause 18 of the Bill.

July 1845.

0.130.

18 July 1845.—9 VICT.



A

B I L L

For the Warehousing of Goods.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~H E R E A S~~ an Act was passed in the Session of Parliament holden in the third and fourth years of the reign of his late Majesty King WILLIAM the Fourth, intituled, “An Act for the Warehousing of Goods,” whereby the Laws of Customs in relation to the warehousing of Goods were consolidated :

Preamble :
3 & 4 W. 4,
c. 57.

5

And whereas since the passing of the said Act divers parts of Acts, for the further amendment of the law in that respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Act and parts of Acts should be consolidated into one Act ;

10

WE ~~t h e r e f o r e E n a c t e d~~, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act* the same shall come into and be and continue in full force and effect for the purposes therein mentioned, except where any other commencement is therein particularly directed.

15

1.
Commence-
ment of Act.

And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty’s Treasury of the United Kingdom of Great Britain and Ireland, by their warrant from time to time, to appoint the ports in the United Kingdom which shall be warehousing ports for the purposes of this Act ; and that it shall be lawful for the Commissioners of Her Majesty’s Customs, subject to the authority and directions of the Commissioners of Her Majesty’s Treasury, by their

20

2.
Treasury to
appoint ware-
housing Ports.

Commis-
sioners to ap-
point Ware-
houses, and
require Bond.

531.

A

their

their order from time to time to appoint in what warehouses or places of special security, or of ordinary security, as the case may require in such ports, and in what different parts or divisions of such warehouses or places, and in what manner, any goods, and what sorts of goods, may and may only be warehoused and kept and secured without payment of any Duty upon the first entry thereof, or for exportation only, in cases where the same may be prohibited to be imported for home use ; and also in such order to direct in what cases (if any) security by bond, in manner hereinafter provided, shall be required in respect of any warehouse so appointed by them.

3.
Warehouses
of special
Security to be
so stated in
the order for
their appoint-
ment.

Warehouses
connected
with Wharfs,
and within
Walls, &c. to
be Ware-
houses of
special Se-
curity, with-
out appoint-
ment.

And be it Enacted, That whenever any warehouse shall have been approved of by the said Commissioners of Her Majesty's Customs as being a warehouse of special security, it shall be stated in their order of appointment that such warehouse is appointed as a warehouse for special security: Provided always, That all warehouses connected with the wharfs for the landing of the goods to be lodged therein, and inclosed together with such wharfs within walls, such as are or shall be required by any Act for the constructing of such warehouses and wharfs, and being appointed to be legal quays, shall, without any order of the said Commissioners, be warehouses for the purposes of this Act, for all goods landed at such wharfs or quays at any port appointed by the Commissioners of Her Majesty's Treasury to be a warehousing port as aforesaid, and all such warehouses shall be warehouses of special security.

4.
Appointments
made and
Bonds given
previous to
Act to con-
tinue in force.

And be it Enacted, That all appointments of warehouses for the warehousing of goods made under the authority of any other Act in force at the time of the commencement of this Act, shall continue in force as if the same had been made under the authority of this Act; and all bonds given in respect of any goods warehoused, or entered to be warehoused, under any Act in force at the time of the commencement of this Act, shall continue in force for the purposes of this Act.

5.
Commissi-
oners to pro-
vide Ware-
houses for
Tobacco, and
Treasury to
fix Rent.

And be it Enacted, That the Commissioners of Her Majesty's Customs shall, out of the monies arising from the Duties of Customs, provide from time to time the warehouses for the warehousing of tobacco at the ports into which tobacco may be legally imported: Provided always, That for every hogshead, chest, case or other package of tobacco so warehoused, the importer or proprietor thereof shall pay as and for warehouse rent such sum or sums not exceeding any sum payable under any Act in force at the time of the commencement of this Act, and at such periods and in such manner as the Commissioners of Her Majesty's Treasury shall from time to time by their warrant appoint and direct, and all such sums shall be paid, received and appropriated as Duties of Customs.

And

And be it Enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury by their warrant, and for the said Commissioners of Customs by their order, from time to time to revoke any former warrant or any former order, or to make any alteration
 5 in or addition to any former warrant or any former order made as aforesaid by them respectively.

6.
Power to
revoke or
alter appoint-
ment.

And be it Enacted, That every order made by the said Commissioners of Her Majesty's Customs in respect of warehouses of special security, as well those of original appointment as those of revocation,
 10 alteration or addition, shall be published in the London Gazette for such as shall be appointed in Great Britain, and in the Dublin Gazette for such as shall be appointed in Ireland.

7.
Publication
of Appoint-
ment in Ga-
zette.

And be it Enacted, That before any goods shall be entered to be warehoused in any warehouse, in respect of which security by bond
 15 shall be required as aforesaid, the proprietor or occupier of such warehouse, if he be willing, shall give general security by bond with Two sufficient Sureties, for the payment of the full Duties of importation on all such goods as shall at any time be warehoused therein, or for the due exportation thereof; and if such proprietor or occupier
 20 be not willing to give such general security, the different importers of the separate quantities of goods shall, upon each importation before such goods shall be entered to be warehoused, give such security by bond, with one sufficient surety, in respect of the particular goods imported, the penalty of such bond being double the amount of the
 25 Duty to which such goods are subject.

8.
Warehouse
keeper may
give general
Bond, if
willing;

or Importer
give parti-
cular Bond.

And be it Enacted, That if any goods lodged in any warehouse shall be the property of the occupier of such warehouse, and shall be bonâ fide sold by him, and upon such sale there shall have been a written agreement signed by the parties, or a written contract
 30 of sale, made, executed and delivered by a broker, or other person legally authorized for or in behalf of the parties respectively, and the amount of the price stipulated in the said agreement or contract shall have been actually paid, or secured to be paid, by the purchaser, every such sale shall be valid, although such goods shall remain in
 35 such warehouse; provided that a transfer of such goods, according to such sale, shall have been entered in a book to be kept for that purpose by the officer of the Customs having the charge of such warehouse, who is hereby required to keep such book and to enter such transfers, with the dates thereof, upon application of the owners of
 40 the goods, and to produce such book upon demand made.

9.
Sale of Goods
in Warehouse
by Proprietor
to be valid,
although
they remain
in such Ware-
house.

Transfer of
such Goods to
be entered in
a Book.

And be it Enacted, That all goods warehoused shall be stowed in such manner as that easy access may be had to every pack-

10.
Stowage in
Warehouse to
afford easy
access.

age and parcel of the same ; and if the occupier of the warehouse shall omit so to stow the same, he shall for every such omission forfeit the sum of *Five Pounds* ; and if any goods shall be taken out of any warehouse without due entry of the same with the proper officers of the Customs, the occupier of the warehouse shall be liable to the payment of the Duties due thereon. 5

11.
Occupiers of
Warehouses
to produce, on
demand,
Goods to Of-
ficers of Cus-
toms, or to
forfeit 5*l*.

And be it Enacted, That the occupier or occupiers of any warehouse in which goods are deposited under the provisions of this Act, shall, upon any request being made by any officer duly authorized by the Commissioners of Her Majesty's Customs, immediately pro- 10
duce to such officer any goods deposited therein, or received into his or their custody for the delivery of which the said occupier or occu-
piers has or have not received an order duly signed by the proper warehouse officer ; and upon every failure so to do such occupier or occupiers shall forfeit the sum of *Five Pounds* over and above the 15
Duties to which every package or parcel of goods not so produced may be liable.

12.
Goods fraud-
ulently con-
cealed or
removed, for-
feited.

Penalty on
opening the
Warehouse
without the
Officer, 500*l*.

And be it Enacted, That if any goods warehoused shall be fraudu-
lently concealed in, or removed from, the warehouse, the same shall 20
be forfeited ; and if any importer or proprietor of any goods ware-
housed, or any person in his employ, shall by any contrivance fraudu-
lently open the warehouse, or gain access to the goods, except in the
presence of the proper officer acting in the execution of his duty, such
importer or proprietor shall forfeit and pay for every such offence the
sum of *Five hundred Pounds*. 25

13.
Persons as-
sisting in the
removing of
Goods entered
for the Ware-
house, and
not deposited
there, sub-
jected to
Penalties.

And be it Enacted, That if any goods entered to be warehoused
under any law made for the warehousing of goods, shall be removed
and not deposited in a warehouse or place of security, in pursuance of
such entry, every person who shall remove, or assist or be otherwise 30
concerned in the removing of any such goods, or who shall know-
ingly harbour, keep or conceal, or shall knowingly permit or suffer
to be harboured, kept or concealed, any such goods so removed, and
every person to whose hands and possession any goods so removed
shall knowingly come, shall forfeit either *Treble* the value thereof, or
the penalty of *One hundred Pounds*, at the election of the Commis- 35
sioners of Her Majesty's Customs, and such goods shall be forfeited.

14.
Examination
on Entry and
Landing.

Marking
Package.

And be it Enacted, That within One Month after any tobacco shall
have been warehoused, and upon the entry and landing of any other
goods to be warehoused, the proper officer of Customs shall take a
particular account of the same, and shall mark the contents on each 40
package, and shall mark the word "Prohibited" on such packages as
contain goods prohibited to be imported for home use ; and that all
goods

goods shall be warehoused and kept in the packages in which they shall have been imported, and no alteration shall be made in the packages or the packing of any goods in the warehouse, except in the cases hereinafter provided.

- 5 And be it Enacted, That all goods entered to be warehoused or to be re-warehoused shall be carried into the warehouse under the care or with the authority or permission of the proper officer of Customs, and in such manner and by such persons, and by such roads or ways, and within such spaces of time, as the proper officer of Customs shall
10 authorize, permit or direct, and all such goods not so carried shall be forfeited.

15.
Goods to be carried to Warehouse under authority of Officer of Customs.

- And be it Enacted, That all goods which have been so warehoused shall be duly cleared either for exportation or for home use within
15 *Three Years*, and all surplus stores of ships within *One Year* from the day of the first entry thereof (unless further time be given by the Commissioners of Her Majesty's Treasury); and if any such goods be not so cleared, it shall be lawful for the Commissioners of Her Majesty's Customs to cause the same to be sold, and the produce shall be applied to the payment of the warehouse rent and other charges,
20 and the overplus (if any) shall be paid to the proprietor; and such goods, when sold, shall be held subject to all the conditions to which they were subject previous to such sale, except that a further time of *Three Months* from the date of the sale shall be allowed to the purchaser for the clearing of such goods from the warehouse; and if
25 the goods so sold shall not be duly cleared from the warehouse within such *Three Months*, the same shall be forfeited.

16.
Goods to be cleared in *Three Years*; Ship's Stores in *One Year*

if not cleared to be sold or destroyed.

Purchaser allowed *Three Months*.

- And be it Enacted, That if any goods entered to be warehoused, or entered to be delivered from the warehouse, shall be lost or destroyed by any unavoidable accident, either on ship-board or in
30 the landing or shipping of the same, or in the receiving into or delivering from the warehouse, it shall be lawful for the Commissioners of Her Majesty's Customs to remit or return the Duties payable or paid on the quantity of such goods so lost or destroyed.

17.
In case of accident in landing or shipping Goods, Duty may be remitted.

- And be it Enacted, That it shall be lawful for the Commissioners
35 of Her Majesty's Customs to remit the Duties payable or paid on the whole or any portion of any goods which shall be lost or destroyed by any unavoidable accident in the warehouse in which the same shall have been deposited under the provisions of this or any other Act passed for the warehousing of goods, and that the Duties payable
40 upon the following articles deposited in warehouses of special security; that is to say, wines, currants, raisins, figs, hams and cheese, when taken out of the warehouse for home use shall be charged upon the quantities ascertained by the measure or weight of the same actually delivered.

18.
Goods lost or destroyed in Warehouse by accident, Duties thereon remitted. Duties upon certain Goods warehoused in Warehouses of special Security, to be charged upon the Quantity delivered.

19.
Entry for
Exportation
or Home use.

Goods per-
mitted to be
shipped from
the Ware-
house Duty
free, as Ship's
Stores.

And be it Enacted, That no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry, and under care of the proper officers for exportation, or upon due entry and payment of the full Duties payable thereon for home use, if they be such goods as may be used in the United Kingdom, save and except goods delivered into the charge of the searchers to be shipped as stores, and which shall and may be so shipped without entry or payment of any Duty for any ship of the burthen of *Sixty* Tons at least, bound upon a voyage to foreign parts, the probable duration of which, out and home, will not be less than *Forty* Days: Provided always, That such stores shall be duly borne upon the ship's victualling bill, and shall be shipped in such quantities and subject to such directions and regulations as the Commissioners of Customs shall direct and appoint. 5 10

20.
Rum for
Stores and
surplus Stores
may be
shipped with-
out Entry, if
borne on
Victualling
Bill;

or entered for
private use.

Provided always, and be it Enacted, That any rum of the British plantations may be delivered into the charge of the searcher, to be shipped as stores for any ship without entry or payment of any Duty, and any surplus stores of any ship may be delivered into the charge of the searcher to be re-shipped as stores for the same ship, or for the same master in another ship, without entry or payment of any Duty, such rum and such surplus stores being duly borne upon the victualling bills of such ships respectively; and if the ship, for the future use of which any surplus stores have been warehoused, shall have been broken up or sold, such stores may be so delivered for the use of any other ship belonging to the same owners, or may be entered for payment of Duty, and delivered for the private use of such owners, or any of them, or of the master or purser of such ship. 15 20 25

21.
Duties to be
paid on origi-
nal quanti-
ties, except in
certain cases.

If for expor-
tation or re-
moval, Duties
on deficiencies
to be paid.

And be it Enacted, That upon the entry of any such goods to be cleared from the warehouse, if the same be for home use, the person entering such goods inwards shall deliver a bill of the entry and duplicates thereof, in like manner as directed by law in the case of goods entered to be landed, as far as the same is applicable, and at the same time shall pay down to the proper officer of the Customs the full Duties of Customs payable thereon, and not being less in amount than according to the account of the quantity first taken of the respective packages or parcels of the goods in such entry at the examination thereof, at the time of the first entry and landing of the same, without any abatement on account of any deficiency, except by this Act is otherwise provided, and that if the entry be for exportation or for removal to any other warehouse, and any of the packages or parcels of the goods be deficient of the respective quantities of the same according to the account first taken as aforesaid, a like entry inwards shall also be passed in respect of the quantities so deficient, and the full Duties shall be paid on the amount thereof before such packages or parcels of goods 30 35 40

goods shall be delivered or taken for exportation or removal, except as by this Act is otherwise provided ; and if any goods so deficient in quantity shall be such as are charged to pay Duty according to the value thereof, such value shall be estimated at the price for which the like sorts of goods of the best quality shall have been last or lately sold.

How Value
ascertained.

And be it Enacted, That the Duties payable upon tobacco, sugar and spirits respectively, when taken out of warehouse for home use, shall be charged upon the quantities ascertained by the weight, measure or strength of the same actually delivered, save and except that if the sugar shall not be in a warehouse of special security, no greater abatement on account of deficiency of the quantity first ascertained as aforesaid shall be made than shall be after the rate of *Three* per centum of such quantity for the first *Three* Months, and *One* per centum for every subsequent month during which such sugar shall have been warehoused ; and also save and except, that if the spirits (being any other spirits than rum of the British plantations) shall not be in a warehouse of special security, no greater abatement on account of deficiency of the quantity or strength first ascertained as aforesaid shall be made than shall be after the several rates of allowances following ; (that is to say)

22.
Duties on
Tobacco,
Sugar and
Spirits, to be
charged on
quantities de-
livered,
except in
certain cases.

For every Hundred Gallons hydrometer proof:
For any time not exceeding Six Months, *One Gallon* :
For any time exceeding Six Months, and not exceeding Eighteen Months, *Three Gallons* :
For any time exceeding Eighteen Months, and not exceeding Two Years, *Five Gallons* :
For any time exceeding Two Years, and not exceeding Two Years and a Half, *Six Gallons* :
For any time exceeding Two Years and a Half, and not exceeding Three Years, *Seven Gallons* :
And for every additional Year, *Two Gallons* :

Provided always, That no abatement shall be made in respect of any deficiency in quantity of any spirits occasioned by leakage and not by natural evaporation, in whatever warehouse the same may be, except as by this Act is otherwise specially provided.

No allow-
ance for
Leakage.

And be it Enacted, That in respect of any wheat or barley or any rye or any oats lodged in warehouses without payment of Duty on the first importation thereof, the following allowances for natural waste shall be made upon the exportation thereof, or upon the entry thereof, for home consumption ; (that is to say)

23.
Allowances
for natural
deficiency on
Corn or
Grain in
Warehouse.

In respect of all wheat, barley and rye, except as is hereinafter provided, which has been in warehouse One Month, and less than Three Months, there shall be allowed *One-and-a-Half* per centum :
In respect of all wheat, barley and rye, except as hereinafter provided, which has been in warehouse Three Months, and less than Six Months, there shall be allowed *Two* per centum :

In respect of all wheat, barley and rye, except as is hereinafter provided, which has been in warehouse Six Months, and less than Twelve Months, there shall be allowed *Two-and-a-Half* per centum :

And in respect of all wheat, barley and rye, except as is hereinafter provided, which has been in warehouse Twelve Months and upwards, there shall be allowed *Three* per centum : 5

In respect of oats, except as is hereinafter provided, which have been in warehouse One Month and less than Three Months, there shall be allowed *Two-and-a-Half* per centum :

In respect of Oats, except as is hereinafter provided, which have been in warehouse Three Months, and less than Six Months, there shall be allowed *Three-and-a-Half* per centum : 10

In respect of oats, except as is hereinafter provided, which have been in warehouse Six Months, and less than Twelve Months, there shall be allowed *Four-and-a-Half* per centum : 15

And in respect of oats, except as is hereinafter provided, which have in warehouse Twelve Months and upwards, there shall be allowed *Five* per centum :

Provided nevertheless, That only *Half* the above allowances hereby directed to be made on wheat and barley and oats respectively shall be made upon Spanish wheat and barley and oats respectively, and upon wheat and barley kiln dried abroad respectively, and that no such allowance shall be made in respect of rye being kiln dried : Provided also, That no such allowance shall be made unless there shall be an actual deficiency in the quantity of such wheat, rye, barley and oats originally warehoused. 20 25

24.
Importer may enter Goods for Home use, or for Exportation, although not actually warehoused.

And be it Enacted, That if after any goods shall have been duly entered and landed to be warehoused, and before the same shall have been actually deposited in the warehouse, the importer shall further enter the same, or any part thereof, for home use or for exportation, as from the warehouse the goods so entered shall be considered as virtually and constructively warehoused, although not actually deposited in the warehouse, and shall and may be delivered and taken for home use or for exportation, as the case may be. 30

25.
Goods may be removed to other Ports to be re-warehoused ;

and on notice given, Officers to prepare them for Removal.

AND whereas it is expedient to make regulations for the removal of warehoused goods from one warehousing port to another, and from one warehouse to another in the same port ; BE it therefore Enacted, That any goods which have been warehoused at some port in the United Kingdom may be removed by sea or inland carriage to any other port in the same in which the like goods may be warehoused upon importation, to be re-warehoused at such other port, and again as often as may be required to any other such port, to be there re-warehoused, subject to the regulations hereinafter mentioned ; (that is to say), *Twelve* Hours notice in writing of the intention to remove such goods shall be given to the Warehouse Officer, specifying the particular 35 40

ticular goods intended to be removed, and the marks, numbers and
 description of the packages in which the same are contained, in what
 ship imported, when and by whom entered inwards to be ware-
 housed, and if subsequently re-warehoused, when and by whom re-
 5 warehoused, and to what ports the same are to be removed ; and there-
 upon the warehouse officer shall take a particular account of such
 goods, and shall mark the contents on every package in preparation
 for the delivering of the same for the purposes of such removal, and
 previous to the delivery thereof may cause the proper seals of office to
 10 be affixed thereto : Provided always, That tobacco, the produce of the
 British possessions in America, or of the United States of America,
 and purchased for the use of Her Majesty's Navy, may be removed by
 the purser of any ship of war in actual service to the ports of Rochester,
 Portsmouth or Plymouth, to be there re-warehoused in the name of
 15 such purser, in such warehouse as shall be approved for that purpose
 by the Commissioners of Her Majesty's Customs.

Tobacco for
 use of Navy
 may be re-
 moved to cer-
 tain Ports.

And be it Enacted, That before such goods shall be delivered to be
 removed, due entry of the same shall be made, and a proper bill of such
 entry, with duplicates thereof, be delivered to the Collector or Comp-
 20 troller, containing the before-mentioned particulars, and an exact
 account of the quantities of the different sorts of goods ; and such bill
 of entry, signed by the Collector and Comptroller, shall be the warrant
 for the removal of such goods, and an account of such goods, contain-
 ing all such particulars, shall be transmitted by the proper officers of
 25 the port of removal, to the proper officers of the port of destination,
 and upon the arrival of such goods at the port of destination, due
 entry of the same to be re-warehoused shall in like manner be made
 with the Collector and Comptroller at such port, containing all the
 particulars and accounts before mentioned, together with the name of
 30 the port from which such goods have been removed, and the descrip-
 tion and situation of the warehouse in which they are to be
 warehoused, and the bill of such entry, signed by such Collector and
 Comptroller, shall be the warrant to the landing officer and the
 warehouse officer to admit such goods, to be there re-warehoused,
 35 under such examination as is made of the like goods when first
 warehoused, upon importation from parts beyond the seas ; and the
 particulars to be contained in such notice and in such entries, shall
 be written and arranged in such form and manner as the Collector
 and Comptroller shall require, and the officers at the port of arrival
 40 shall transmit to the officers at the port of removal an account of the
 goods so arrived, according as they shall upon examination prove to
 be, and the warehouse officers at the port of removal shall notify
 such arrival in their books.

26

Entry of
 Goods for
 removal.

Account sent
 to other
 Ports.

Entry at Port
 of arrival to
 re-warehouse.

Forms of
 Entries.

Examination
 of Officers.

Certificate of
 Arrival sent
 to Port of
 removal.

27.
Bond to re-warehouse, which may be given at either Port.

And be it Enacted, That the person removing such goods shall, at the time of entering the same, give bond, with One sufficient Surety, for the due arrival and re-warehousing of such goods within a reasonable time (with reference to the distance between the respective ports to be fixed by the Commissioners of Her Majesty's Customs), which bond may be taken by the Collector and Comptroller either of the port of removal or of the port of destination, as shall best suit the residence or convenience of the persons interested in the removal of such goods; and if such bond shall have been given at the port of destination, a certificate thereof, under the hands of the Collector and Comptroller of such port, shall, at the time of entering such goods, be produced to the Collector or Comptroller of the port of removal.

28.
Bond how to be discharged.

And be it Enacted, That such bond shall not be discharged unless such goods shall have been duly re-warehoused at the port of destination within the time allowed for such removal, or shall have been otherwise accounted for to the satisfaction of the said Commissioners, nor until the full Duties due upon any deficiency of such goods shall have been paid, nor until fresh security shall have been given in respect of such goods in manner hereinafter provided, unless such goods shall have been lodged in some warehouse in respect of which general security shall have been given by the proprietor or occupier thereof, or in some warehouse in respect of which no security is required.

29.
Goods re-warehoused held on terms of first Warehousing.

And be it Enacted, That such goods when re-warehoused, may be entered and shipped for exportation, or entered and delivered for home use, as the like goods may be when first warehoused upon importation, and the time which such goods shall be allowed to remain re-warehoused at such port shall be reckoned from the day when the same were first entered to be warehoused.

30.
On arrival, after forms of re-warehousing, parties may enter to Export, or take for Home use, without first carrying to the Warehouse.

And be it Enacted, That if upon the arrival of such goods at the port of destination, the parties shall be desirous forthwith to export the same, or to pay duty thereon for home use, without actually lodging the same in the warehouse for which they have been entered and examined to be re-warehoused, it shall be lawful for the officers of the Customs at such port, after all the formalities of entering and examining such goods for re-warehousing have been duly performed (except the actual labour of carrying and lodging the same in the warehouse) to consider the same as virtually or constructively re-warehoused, and to permit the same to be entered and shipped for exportation, or to be entered and delivered for home use, upon payment of the Duties due thereon, in like manner as if such goods had been actually so carried and lodged in such warehouse; and the account taken for the re-warehousing of such goods may serve as the account for

for delivering the same as if from the warehouse either for shipment or for payment of Duties, as the case may be; and all goods so exported, or for which the Duties have been so paid, shall be deemed to have been duly cleared from the warehouse.

5 And be it Enacted, That any goods which have been warehoused in some warehouse in the port of London may, with the permission of the Commissioners of Customs first obtained, be removed to any other warehouse in the said port, in which the like goods may be warehoused on importation; and any goods which have been warehoused
10 in some warehouse in any other port may, with the permission of the Collector and Comptroller of such port first obtained, be removed to any other warehouse in the same port in which the like goods may be warehoused on importation, under such general regulations as the Commissioners of Customs shall direct.

31.
Removal in
the same Port.

15 And be it Enacted, That all goods which shall have been removed from one warehouse for or to another, whether in the same port or in a different port, and all proprietors of such goods shall be held subject in all respects to all the conditions to which they would have been held subject if such goods had remained in the warehouse where the same
20 had been originally warehoused.

32.
Goods and
Parties sub-
ject to
original con-
ditions.

And be it Enacted, That if any goods shall have been warehoused in any warehouse, in respect of which general security by bond as hereinbefore provided, shall not have been given by the proprietor or occupier of such warehouse, and particular security, as in such case is
25 required, shall have been given by the importer of such goods in respect of the same, and such goods shall have been sold or disposed of, so that the original bonder shall be no longer interested in or have control over such goods, it shall be lawful for the proper officers to admit fresh security to be given by the bond of the new proprietor of such goods, or persons having the control over the same with his sufficient surety, and
30 to cancel the bond given by the original bonder of such goods, or to exonerate him and his surety to the extent of the fresh security so given.

33.
Goods sold,
new Owner
may give
Bond, and
release the
original
Bonder.

And be it Enacted, That if the person removing any goods from
35 one port to another, and who shall have given bond in respect of such removal and re-warehousing, shall be and shall continue to be interested in such goods after the same shall have been duly re-warehoused, and such goods shall have been so re-warehoused in some warehouse in respect of which security is required, and the proprietor
40 or occupier of the same shall not have given general security, the bond in respect of such removal and re-warehousing shall be conditioned and continue in force for the re-warehousing such goods until fresh

34.
Bond of
Remover to
be in force in
new Ware-
house until
fresh Bond be
given by new
Owner.

531.

C

bond

bond be given by some new proprietor or other person in manner hereinbefore provided.

35.
To sort, separate, and re-pack in same or equal Packages.

And be it Enacted, That it shall be lawful in the warehouse to sort, separate, pack and repack any goods, and to make such lawful alterations therein, or arrangements thereof, as may be necessary either for the preservation of such goods, or in order to the sale, shipment or legal disposal of the same; provided that such goods be re-packed in the same packages in which the same goods, or some part of the whole quantity of the same parcel of goods were imported, or in packages of entire quantity equal thereto, or in such other packages as the Commissioners of Her Majesty's Customs shall permit (not being less in any case, if the goods be to be exported or to be removed to another warehouse, than may be required by law for the importation of such goods); and also in the warehouse to draw off any wine or any rum of the British plantations into reputed quart bottles, or reputed pint bottles, for the purpose only of being exported from the warehouse; and also in the warehouse to draw off any such rum into casks, containing not less than *Twenty* Gallons each, for the purpose only of being disposed of as stores for ships; and also in the warehouse to draw off any other spirits into reputed quart bottles, under such regulations as the Commissioners of Customs shall from time to time direct for the purpose only of being exported from the warehouse; and also in the warehouse to draw off and mix with any wine any brandy, secured in the same warehouse, not exceeding the proportion of *Ten* Gallons of brandy to *One hundred* Gallons of wine; and also in the warehouse to fill up any casks of wine or spirits from any other casks of the same, respectively secured in the same warehouse; and also in any warehouse of special security to rack off any wine from the lees, and in such warehouse to mix any wines of the same sort, erasing from the cask all import brands; and also in the warehouse to take such moderate samples of goods as may be allowed by the Commissioners of Her Majesty's Customs, without entry and without payment of Duty, except as the same may eventually become payable, as on a deficiency of the original quantity.

To bottle off Wine or Rum for Exportation.
To draw off Rum for Stores.

To mix Brandy with Wine.

To fill up or rack off casks of Wine.

To take Samples.

36.
No alteration to be made in Goods or Packages, but according to such regulations as the Commissioners shall direct.

Provided always, and be it Enacted, That no alteration shall be made in any such goods or packages, nor shall any such wine, rum, brandy or spirits be bottled, drawn off, mixed or filled up, nor shall any such samples be taken, except after such notices given by the respective Importers or proprietors, and at such times and in such manner and under such regulations and restrictions as the Commissioners of Customs shall from time to time require and direct.

37.
Re-packing in proper Packages.

AND whereas it may happen that after the re-packing into proper packages of any parcel of goods which have been unpacked and separated

rated or drawn off from the original package in any of the cases hereinbefore provided for, there may remain some surplus quantities of the respective parcels of such goods which may not be sufficient to make or fill up any one of such proper packages, or it may happen that some part of such goods when separated from other parts may be such refuse, or in so damaged a state, as to be worthless, or that the total quantity of such parcel of goods may be reduced by the separation of dirt or sediment, or by the dispersion of dust or otherwise : AND whereas the Duties payable on such goods may have been levied at a rate having regard to a just allowance for the state in which such goods are imported, and it is not proper that any manufacturing process should be performed in such warehouse to the detriment of the Revenue ; BE it therefore Enacted, That after such goods have been so repacked in proper packages, it shall be lawful for the Commissioners of Customs, at the request of the importer or proprietor of such goods, to cause or permit any such refuse, damage or surplus goods not contained in any of such packages to be destroyed ; and if the goods be such as may be delivered for home use, the Duties shall be immediately paid upon any part of such surplus as may remain, and the same shall be delivered for home use accordingly ; and if they be such as may not be so delivered, such surplus as may so remain shall be disposed of for the purpose of exportation in such manner as the Commissioners of Her Majesty's Customs shall direct ; and thereupon the quantity contained in each of such proper packages shall be ascertained and marked upon the same ; and the deficiency shall be ascertained by a comparison of the total quantity in such proper packages with the total quantity first warehoused, and the proportion which such deficiency may bear to the quantity in each package shall also be marked on the same and added to such quantity, and the total shall be deemed to be the imported contents of such package, and be held subject to the full Duties of importation, except as otherwise in any case provided by this Act : Provided always, That it shall be lawful for the said Commissioners to accept the abandonment for the Duties of any quantity of tobacco or coffee, or pepper or cocoa, or Lees of Wine, and also of any whole packages of other goods, and to cause or permit the same to be destroyed, and to deduct such quantity of tobacco or coffee or pepper or cocoa, or the contents of such whole packages from the total quantity of the same importation in computing the amount of the deficiency of such total quantity.

After re-
packing, da-
maged parts
may be
destroyed.

Disposal of
surplus quan-
tity.

Quantities in
new Packages
to be marked,
and deficiency
to be appor-
tioned.

Abandonment
of Goods for
the Duty.

And be it Enacted, That no foreign casks, bottles, corks, packages or materials whatever, except any in which some goods shall have been imported and warehoused, shall be used in the re-packing of any goods in the warehouse, unless the full Duties shall have been first paid thereon.

38.
No foreign
Casks, &c., to
be used for
re-packing,
unless Duties
have been
paid, &c.

39.
Goods may
be delivered
out of Ware-
house for such
purposes as
the Commis-
sioners of
Customs may
direct.

And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs to permit any goods to be taken out of warehouse for any such purpose as may appear to them to be expedient, under such regulations and restrictions as they may think fit to direct, without payment of Duty of Customs, under security nevertheless by bond to the satisfaction of the said Commissioners, that such regulations and restrictions shall be duly complied with, and that such goods shall be returned to the warehouse within such time as they shall appoint.

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40.
Goods in
Bulk de-
livered.

And be it Enacted, That no parcels of goods so warehoused, which were imported in bulk, shall be delivered, except in the whole quantity of each parcel, or in a quantity not less than One Ton weight, unless by special leave of the proper officers of Customs.

10

41.
Packages to
be marked
before de-
livery.

And be it Enacted, That no goods so warehoused shall be delivered, unless the same, or the packages containing the same, shall have been marked in such distinguishing manner as the Commissioners of Her Majesty's Customs shall deem necessary and practicable, and shall from time to time direct.

15

42.
Commis-
sioners of
Her Majesty's
Customs may
approve of
Premises for
refining Sugar
for exporta-
tion.

And be it Enacted, That upon the application to the Commissioners of Her Majesty's Customs of any person actually carrying on the business of a sugar refiner in the ports of London, Liverpool, Bristol, Hull, Greenock or Glasgow, or any other port to be approved of by any Three of the Commissioners of Her Majesty's Treasury, it shall be lawful for the Commissioners of Her Majesty's Customs, by their order to approve of such premises as bonded sugar-houses for the refining of sugar for exportation only, on it being made appear to the satisfaction of the said Commissioners that the said premises are fit in every respect for receiving such sugars, and wherein the same may be safely deposited.

20

25

43.
On approval
thereof, Offi-
cers of Cus-
toms em-
powered to
deliver Sugars
Duty Free,
to be there
refined for
Exportation
only.

And be it Enacted, That on the approval of any premises as bonded sugar houses as aforesaid, it shall be lawful for the officers of the Customs at the ports respectively where such premises are situated, to deliver without payment of Duty to the party or parties so applying as aforesaid, on entry with the proper officer of Customs, any quantity of foreign sugar, or of sugar the produce of any British possession, for the purpose of being there refined under the locks of the Crown for exportation only; and that all sugars so delivered shall be lodged and secured in such premises, under such conditions, regulations and restrictions as the said Commissioners shall from time to time direct: Provided always, That it shall be lawful for the said Commissioners, by their order, to revoke or alter any former order of approval of any such premises.

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Order of
approval may
be revoked.

And

And be it Enacted, That upon the entry of the sugar to be refined in any premises approved of under the authority of this Act, the refiner, on whose premises the same is to be refined, shall give bond to the satisfaction of the officers of the Customs in the penalty of double the amount of the Duty payable upon a like quantity of sugar of the British plantations, with a condition that the whole of such sugar shall be actually subjected to the process of refinement upon the said premises, and that within *Four Months* from the date of such bond the whole of the refined sugar and treacle produced by such process shall be either duly exported from the said premises, or delivered into an approved bonded warehouse, under the locks of the Crown, for the purpose of being eventually exported to foreign parts.

44.
Refiner to
give bond.

AND whereas some sorts of goods are liable in time to decrease, and some to increase, and some to fluctuation of quantity, by the effect of the atmosphere and other natural causes, and it may be necessary, in some cases, that the Duties should not be charged upon the deficiency arising from such causes; BE it therefore Enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to make regulations for ascertaining the amount of such decrease or increase of the quantity of any particular sorts of goods, and to direct in what proportion any abatement of Duty payable under this Act for deficiencies shall be made on account of any such decrease: Provided always, That if such goods be lodged in warehouses of special security, or declared in the order of appointment to be of special security, no Duty shall be charged for any amount whatever of deficiency of any of such goods on the exportation thereof, except in cases where suspicion shall arise that part of such goods has been clandestinely conveyed away, nor shall any such goods (unless they be wine or spirits) be measured, counted, weighed or gauged for exportation, except in such cases of suspicion.

45.
Decrease and
Increase may
be ascertained
and allowed,
under regula-
tions of the
Treasury.

No Duty on
deficiency of
Goods ex-
ported from
Warehouses
declared of
special Secu-
rity.

Provided always, and be it Enacted, That for any wine, spirits, coffee, cocoa-nuts or pepper lodged in warehouses not being or being declared to be of special security, the following allowances for natural waste, in proportion to the time during which any such goods shall have remained in the warehouse, shall be made upon the exportation thereof, according as such allowances are hereinafter respectively set forth; (that is to say)

46.
Allowances
for natural
Waste of
Wine, Spirits,
&c., in Ware-
houses not of
special Secu-
rity, on
exportation.

Wine, upon every Cask; (videlicet)

For any time not exceeding One Year, One Gallon :
For any time exceeding One Year, and not exceeding Two Years,
Two Gallons :
For any time exceeding Two Years, Three Gallons :

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Spirits,

Spirits, upon every One Hundred Gallons hydrometer proof; (videlicet)

For any time not exceeding Six Months, One Gallon :

For any time exceeding Six Months, and not exceeding Twelve Months, Two Gallons :

For any time exceeding Twelve Months, and not exceeding Eighteen Months, Three Gallons : 5

For any time exceeding Eighteen Months, and not exceeding Two Years, Four Gallons :

For any time exceeding Two Years, Five Gallons :

Coffee, Cocoa Nuts, Pepper, for every One Hundred Pounds, and so in proportion for any less quantity, Two Pounds : 10

47.
In case of
Embezzle-
ment and
Waste
through mis-
conduct of
Officers, da-
mages to be
made good
to the Pro-
prietor.

And be it Enacted, That in case it shall at any time happen that any embezzlement, waste, spoil or destruction shall be made of or in any goods or merchandize which shall be warehoused in warehouses under the authority of this Act, by or through any wilful misconduct of any officer or officers of Customs or Excise, such officer or officers shall be deemed guilty of a Misdemeanor, and shall upon conviction suffer such punishment as may be inflicted by law in cases of Misdemeanor ; and if such officer shall be so prosecuted to conviction by the importer, consignee or proprietor of the goods or merchandize so embezzled, wasted, spoiled or destroyed, then and in such case no Duty of Customs or Excise shall be payable for or in respect of such goods or merchandize so embezzled, wasted, spoiled or destroyed, and no forfeiture or seizure shall take place of any goods and merchandize so warehoused in respect of any deficiency caused by such embezzlement, waste, spoil or destruction, and the damage occasioned by such embezzlement, waste, spoil or destruction of such goods or merchandize, not being occasioned by fire, shall be repaid and made good to such importer, consignee or proprietor, by the Commissioners of Customs or Excise, under such orders, regulations and directions as shall be for that purpose made and given by the Commissioners of Her Majesty's Treasury, or any Three of them. 15 20 25 30

48.
On entry
outwards,
Bond for due
Shipping and
Landing shall
be given.

AND whereas it is expedient to make regulations for the exporting of such goods to parts beyond the seas as have been imported into the United Kingdom from parts beyond the seas, and warehoused without payment of any Duty on the importation thereof, or notwithstanding that the same may be prohibited to be used in the United Kingdom ; BE it therefore Enacted, That upon the entry outwards of any goods to be exported from the warehouse to parts beyond the seas, and before cocket be granted, the person in whose name the same shall be entered, shall give security by bond in double the amount of Duty payable by law upon the importation of such goods, with one sufficient surety, that such goods shall be duly shipped and exported, and shall be landed at the place for which they be entered outwards, or otherwise accounted for to the satisfaction of the Commissioners of Her Majesty's Customs. 35 40

And

And be it Enacted, That all goods taken from the warehouse for removal or for exportation shall be removed, or shall be carried to be shipped, under the care or with the authority or permission of the proper officer of Customs, and in such manner and by such persons, and
 5 within such spaces of time, and by such roads or ways, as the proper officer of Customs shall authorize, permit or direct; and all such goods not so removed or carried shall be forfeited.

49.
 Goods removed from Warehouse for Shipment under care of Customs Officers.

And be it Enacted, That it shall not be lawful for any person to export any goods so warehoused, nor to enter for exportation to parts
 10 beyond the seas, any goods so warehoused in any ship which shall not be of the burthen of *Sixty* Tons or upwards.

50.
 Ships to be not less than Sixty Tons for exporting warehoused Goods.

And be it Enacted, That all goods or merchandize which shall be landed in Docks, and lodged in the custody of the proprietors of the said Docks under the provisions of this Act, not being goods
 15 seized as forfeited to Her Majesty, shall, when so landed, continue and be subject or liable to such and the same claim for freight in favour of the master, owner or owners of the respective ships or vessels or of any other person or persons interested in the freight of the same, from or out of which such goods or merchandize shall be so landed as
 20 such goods, wares or merchandize respectively were subject and liable to whilst the same were on board such ships or vessels, and before the landing thereof; and the directors and proprietors of any such Docks at or in which any such goods or merchandize may be landed and lodged as aforesaid, or their servants or agents or any of them, shall and may,
 25 and they are hereby authorized, empowered and required, upon due notice in that behalf given to them by such master or masters, owner or owners, or other persons as aforesaid, to detain and keep such goods and merchandize, not being seized as forfeited to Her Majesty, in the warehouses belonging to the said Docks as aforesaid until the
 30 respective freights to which the same shall be subject and liable as aforesaid shall be duly paid or satisfied, together with the rates and charges to which the same shall have been subject and liable, or until a deposit shall have been made by the owner or owners, or consignee or consignees of such goods or merchandize, equal in amount to the
 35 claim or demands made by the master, owner or owners of the respective ships or vessels or other persons as aforesaid, for or on account of freight upon such goods or merchandize, which deposit the said directors or proprietors of such Docks, or their agents respectively, are hereby authorized and directed to receive and hold in trust until
 40 the claim or demand for freight upon such goods shall have been satisfied, upon proof of which and demand made by the person or persons, their executors, administrators or assigns, by whom the said deposit shall have been made, and the rates and charges due upon the said goods being first paid, the said deposit shall be returned to him or them by

51.
 Goods landed in Docks liable to claims for Freight as before landing.

the said directors or proprietors, or their agents on their behalf, with whom the said deposit shall have been made as aforesaid.

52.
Act may be
altered this
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Warehousing of Goods.

A

B I L L

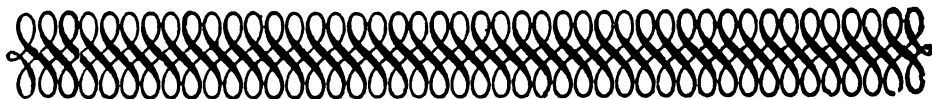
For the Warehousing of Goods.

(Prepared and brought in by
Mr. Greene, Mr. Chancellor of the Exchequer
and Mr. Cardwell.)

Ordered, by The House of Commons, to be Printed,
18 July 1845.

531.

Under 3 02.



A

B I L L,

INTITULED,

AN ACT to amend an Act, intituled, “An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies,” and to make further Provision for the Management thereof.

WH **H**ER **E**C **E**AS by an Act passed in the Session of Parliament held in the fifth and sixth years of the reign of Her Majesty, intituled, “An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies,” provision is made
5 for the conveyance and alienation of such Waste Land :

Preamble:

5 & 6 Vict.,
c. 36.

And whereas doubts have arisen whether, under that Act, Her Majesty, or any person acting in the name and on behalf of Her Majesty, can convey or alienate any Waste Lands of the Crown in any such Colony by lease or demise, reserving an annual rent or payment
10 for the same :

And whereas doubts have also arisen whether, in carrying into execution the provisions of the said recited Act, Her Majesty, or any such person acting in the name and on the behalf of Her Majesty, as aforesaid, is at liberty to reserve, to and for the use of Her Majesty,
15 any portion of the Minerals lying in or under any such Lands ;

BE **i**t **t**herefore **E**nacted and **D**eclared, by The **Q**U **E**E **N**’s most Excellent **M**AJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT nothing in the
20 said recited Act contained shall extend or be construed to extend to prevent Her Majesty, or any such person acting in the name and on the behalf of Her Majesty, as aforesaid, from demising for a term of not more than Twenty-one Years, any Waste Lands of the Crown in

1.
Governor of
Colony may
grant Leases
of Waste
Lands ;

any such colony, at an annual rent payable to Her Majesty by the lessee for and in respect of such Lands, with a clause of forfeiture and proviso for re-entry for non-payment: Provided always, That all leases so to be made and granted shall be offered by public auction to the highest bidder for the same, after due notice of such public auction given as in the said recited Act is directed, together with a specification of the Lands intended to be demised, and of the duration of the proposed term: And provided also, That during the continuance of any such lease it shall not be lawful for Her Majesty, or any such person acting as aforesaid, to sell the reversionary estate expectant upon the determination of such lease, without the consent in writing of the lessee or other party to whom the lease may then belong. 5 10

2.
And reserve
Minerals.

And be it Enacted and Declared, That nothing in the said recited Act shall extend or be construed to extend to prevent Her Majesty, or any such person acting in the name and on the behalf of Her Majesty as aforesaid, from reserving to and for the use of Her Majesty, in any conveyance or alienation as aforesaid, or in any lease of any such Waste Lands as aforesaid, the whole or any portion of the Minerals lying or being in or under any such Lands, or any rents or royalties to be paid or rendered in respect thereof. 15 20

3.
Repeal of
5 & 6 Vict.,
c. 36, s. 17.

And be it Enacted, That from and after the day when this Act shall come into effect in the manner hereinafter mentioned, so much of the said recited Act as relates to the granting, under certain conditions therein mentioned, of licenses for the occupation of any Waste Lands of the Crown in any of the said colonies, and for felling, removing and selling the timber growing on any such Lands, shall be repealed: Provided always, That nothing herein contained shall render invalid any license which shall or may have been granted previously to the day when this Act shall come into effect. 25 30

4.
Power of
Governor to
grant Li-
censes for
occupation,
&c.

And be it Enacted, That from and after such day as aforesaid, the Governor of any of such colonies shall have the power to grant to any person a license, for any time not exceeding Twelve calendar Months from the date thereof, to become and be an occupier of Waste Lands of the Crown in such colony, or a license for felling, removing and selling timber growing on Waste Lands therein. 35

5.
Penalties for
unauthorized
occupation
of Crown
Lands.

And be it Enacted, That from and after such time as aforesaid, any person, unless claiming under a sale or lease as aforesaid, who shall be found occupying any Waste Lands of the Crown in any of the said Australian colonies, either by residing or by erecting any hut or building thereon, or by clearing, inclosing or cultivating any part thereof, and who shall not previously have obtained a license from the said Governor for the occupation of such Lands, or who shall 40

shall occupy as aforesaid after such license shall have been determined by forfeiture or otherwise, shall be liable, on conviction thereof, to the penalties following; that is to say, for the first offence, a sum not exceeding Ten Pounds; for the second offence, a sum not exceeding Twenty Pounds; and for the third or any subsequent offence, a sum not exceeding Fifty Pounds: Provided always, That no information shall be laid or brought for any second or subsequent offence until the expiration of Fourteen clear Days from the date of the previous conviction.

- 5 And be it Enacted, That any person or persons occupying any such Waste Lands under such license as aforesaid, without fee or payment for the same, shall pay by the year such a sum, not exceeding One Penny for every sheep, and Three-pence for every horse and head of horned cattle depastured upon the Waste Lands of the Crown, as shall be fixed by Her Majesty in Her Privy Council, or by the Governor of such colony with the advice of his Executive Council.

6.
Occupiers of
Waste Lands
to pay Agist-
ment.

- And be it Enacted, That if at any time the royalties reserved on minerals, or the monies payable for agistment, shall be in arrear and unpaid, the like remedy shall accrue to Her Majesty for recovery thereof by distress, as for the recovery of money rent reserved by lease; and if at any time the yearly sum payable by any person for agistment, under and by virtue of the provisions of this Act, shall be in arrear and unpaid for the space of Three calendar Months, the license of such person to occupy such Waste Land as aforesaid shall become forfeited.

7.
Method of
recovering
Seignorage
on Minerals
and Agist-
ment.

Forfeiture of
Depasturing
License in
case of non-
payment of
Agistment.

- And be it Enacted, That no possession or occupation of any Land, taken or had under or by virtue of any license as aforesaid, shall be construed to give any title whatever against the Crown, or to alter or affect the rights of Her Majesty, Her heirs and successors, in respect to any such Land.

8.
Occupation
under License
not to affect
the rights of
the Crown.

- And be it Enacted, That the penalties hereinbefore imposed by this Act, where not otherwise provided for, shall be recovered in a summary way before any One or more Justice or Justices of the Peace, upon the information or complaint on oath of any Justice of the Peace or of any owner or proprietor of land, or of any person holding any lease or license for the occupation of Crown Land, or of any bailiffs or officers appointed by any Justice of the Peace as aforesaid.

9.
Mode of
recovering
Penalties.

AND for the further protection of persons acting in execution of this Act; BE it Enacted, That all actions or other proceedings for any thing done under this Act, shall be commenced within Six calendar

10.
Protection
of persons
acting in
execution of
the Act.

lendar Months after the matter complained of was committed, and not otherwise; and notice in writing of such action, and the cause thereof, shall be given to the defendant One calendar Month at least before the commencement of the action; and in every such action the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action was brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant, together with costs incurred up to that time; and if a verdict shall pass for the defendant, or the plaintiff become non-suited, or discontinue such action after issue joined, or if, upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and although a verdict shall be given for the plaintiff in such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

11.
Proceedings
not to be
quashed or
removed by
Certiorari.

And be it Enacted, That no order, judgment or other proceeding made, touching or concerning any of the matters aforesaid, or touching and concerning the conviction of any offender or offenders against this Act, shall be quashed or vacated for want of form only, or be removed or removable by certiorari, or any writ or process whatsoever, into any superior court of jurisdiction in any such colony.

12.
Act not to
apply to
Convict
Colonies.

AND whereas the provisions of the said Act are inapplicable to those colonies to which felons and offenders may be transported by law from the United Kingdom of Great Britain and Ireland; BE it Enacted, That the said Act shall be suspended, and of no force and effect in Van Diemen's Land, and in every other of Her Majesty's Australian colonies to which felons and offenders may be transported by law from the United Kingdom of Great Britain and Ireland, so long as the said several colonies continue respectively to be places to which felons and other offenders under sentence or order of transportation may be conveyed from the United Kingdom of Great Britain and Ireland, by direction of Her Majesty, given with the advice of Her Privy Council.

13.
Definition
of words
"Australian
Colonies,"
"Governor"
and "Waste
Lands."

And be it Enacted, That the words "Australian Colonies," as employed in this Act, are intended to describe the same colonies as in the said recited Act are mentioned, with their respective dependencies, as such colonies are now or shall hereafter be defined and limited, and any other colonies which may hereafter be established, as in the said recited

recited Act they are mentioned ; and that the word " Governor," as employed in this Act, is intended to describe the same person as in the said recited Act ; and that the words " Waste Lands of the Crown," as employed in this Act, are intended to describe any lands in the said colonies, whether within or without the limits allotted to settlers for location, and which now are or shall hereafter be vested in Her Majesty, Her heirs and successors, and which have not been already granted or lawfully contracted to be granted by Her Majesty, Her heirs and successors, to any person or persons in fee-simple, or for an estate of freehold or for a term of years, and which have not been dedicated and set apart for some public use ; and in directing any person or thing, any word importing the singular number shall be construed to mean several persons or things respectively, unless there be something in the subject or context repugnant to such construction.

And be it Enacted, That this Act shall take effect and have the force of law in each of the Australian colonies, from and after a day to be specified by the Governor of each of such colonies, in some proclamation to be issued by him for that purpose.

14.
Commence-
ment of the
Act.

And be it Enacted, That this Act may be altered or amended during the present Session of Parliament.

15.
Act may be
altered this
Session.

Waste Lands (Australia).

A

B I L,

INTITLED,

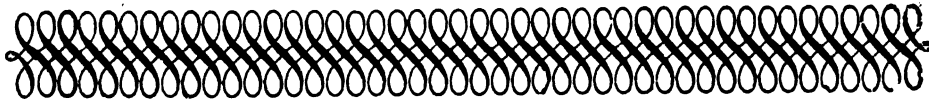
AN ACT to amend an Act, intituled, "An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies," and to make further Provision for the Management thereof.

(*Brought from the Lords, 28 July 1845.*)

*Ordered, by The House of Commons, to be Printed,
28 July 1845.*

584.

Under 1 oz.



A

B I L L,

[AS AMENDED BY THE COMMITTEE]

INTITULED,

AN ACT to amend an Act, intituled, “An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies,” and to make further Provision for the Management thereof.

WH ~~H~~EREBY an Act passed in the Session of Parliament held in the fifth and sixth years of the reign of Her Majesty, intituled, “An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies:”

Preamble:

5 & 6 Vict.,
c. 36.

5 And whereas the provisions of the said Act are inapplicable to those Colonies to which felons and offenders may be transported by law from the United Kingdom of Great Britain and Ireland; ~~BE~~ it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual
10 and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said Act shall be suspended, and of no force and effect in the Colony of Van Diemen's Land, as such Colony is now defined and limited, so
15 long as the said Colony shall continue to be a place to which felons and other offenders under sentence or order of transportation may be conveyed from the United Kingdom of Great Britain and Ireland, by direction of Her Majesty, given with the advice of Her Privy Council.

1.
Act not to
apply to
Convict
Colonies.

20 And be it Enacted, That this Act shall take effect and have the force of law in the said Colony from and after a day to be specified by the Governor of the said Colony in some proclamation to be issued by him for that purpose.

2.
Commence-
ment of the
Act.

And be it Enacted, That this Act may be altered or amended during the present Session of Parliament.

3.
Act may be
altered this
Session.

Waste Lands (Australia).

A

B I L L,

[AS AMENDED BY THE COMMITTEE]

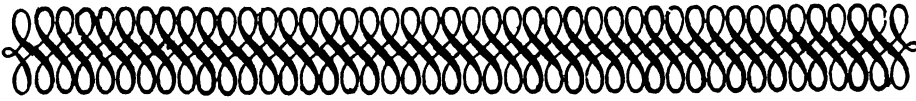
INTITULED,

AN ACT to amend an Act, intituled, "An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies," and to make further Provision for the Management thereof.

(*Brought from the Lords, 28 July 1845.*)

*Ordered, by The House of Commons, to be Printed,
31 July 1845.*

8 August 1845.—9 VICT.



(No. 2.)

A

B I L L

To amend an Act for regulating the Sale of Waste Land
belonging to the Crown in the Australian Colonies, and to
make further Provision for the Management thereof.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH ~~H~~ ~~E~~ ~~R~~ ~~E~~ ~~A~~ ~~S~~ by an Act passed in the Session of Parliament Preamble :
held in the fifth and sixth years of the reign of Her Ma-
jesty, intituled, “An Act for regulating the Sale of Waste Land 5 & 6 Vict.,
belonging to the Crown in the Australian Colonies,” provision is c. 36.
5 made for the conveyance and alienation of such Waste Land :

And whereas doubts have arisen whether, under that Act, Her
Majesty, or any person acting in the name and on behalf of Her Ma-
jesty, can convey or alienate any Waste Lands of the Crown in any
such Colony by lease or demise, reserving an annual rent or payment
10 for the same ;

~~B~~E it ~~t~~herefore ~~E~~nacted and ~~D~~eclared, by The QUEEN’s most
Excellent MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, THAT nothing in the
15 said recited Act contained shall extend or be construed to extend to
prevent Her Majesty, or any such person acting in the name and on
the behalf of Her Majesty, as aforesaid, from demising for a term of
not more than *Seven* Years, any Waste Lands of the Crown in any
such colony, at an annual rent payable to Her Majesty by the
20 lessee for and in respect of such Lands : Provided always, That all
leases so to be made and granted shall contain clauses of forfeiture
and provisoes for re-entry for non-payment of such rent, or for under-
letting or assignment of the whole or any portion of such Lands by such
lessee without license in that behalf first obtained from Her Majesty,
or such person acting in the name and on the behalf of Her Majesty
as aforesaid, and shall be offered by public auction to the highest
645. bidder

1.
Governor of
Colony may
grant Leases
of Waste
Lands.

bidder for the same, after due notice of such public auction given as in the said recited Act is directed, together with a specification of the Lands intended to be demised, and of the duration of the proposed term : And provided also, That during the continuance of any such lease it shall not be lawful for Her Majesty, or any such person acting as aforesaid, to sell the reversionary estate expectant upon the determination of such lease, without the consent in writing of the lessee or other party to whom the lease may then belong.

2.
Minerals to
be reserved.

AND whereas doubts have also arisen whether, in carrying into execution the provisions of the said recited Act, Her Majesty, or any such person acting in the name and on the behalf of Her Majesty, as aforesaid, is at liberty to reserve, to and for the use of Her Majesty, any portion of the Minerals lying in or under any such Lands ; BE it Enacted and Declared, That nothing in the said recited Act shall extend or be construed to extend to prevent Her Majesty, or any such person acting in the name and on the behalf of Her Majesty as aforesaid, from reserving to and for the use of Her Majesty, in any conveyance or alienation as aforesaid, or in any lease of any such Waste Lands as aforesaid, the whole or any portion of the Minerals lying or being in or under any such Lands, or any rents or royalties to be paid or rendered in respect thereof.

3.
Repeal of
5 & 6 Vict.,
c. 36, s. 17.

And be it Enacted, That from and after the day when this Act shall come into effect in the manner hereinafter mentioned, so much of the said recited Act as relates to the granting, under certain conditions therein mentioned, of licenses for the occupation of any Waste Lands of the Crown in any of the said colonies, and for felling, removing and selling the timber growing on any such Lands, shall be repealed : Provided always, That nothing herein contained shall render invalid any license which shall or may have been granted previously to the day when this Act shall come into effect.

4.
Power of
Governor to
grant Li-
censes for
occupation,
&c.

And be it Enacted, That from and after such day as aforesaid, the Governor of any of such colonies shall have the power to grant to any person a license, for any time not exceeding *Twelve* calendar Months from the date thereof, to become and be an occupier of Waste Lands of the Crown in such colony, or a license for felling, removing and selling timber growing on Waste Lands therein.

5.
Penalties for
unauthorized
occupation
of Crown
Lands.

And be it Enacted, That from and after such time as aforesaid, any person, unless claiming under a sale or lease as aforesaid, who shall be found occupying any Waste Lands of the Crown in any of the said Australian colonies, either by residing or by erecting any hut or building thereon, or by clearing, inclosing or cultivating any part thereof, and who shall not previously have obtained a license from the said Governor for the occupation of such Lands, or who shall

shall occupy as aforesaid after such license shall have been determined by forfeiture or otherwise, shall be liable, on conviction thereof, to the penalties following; that is to say, for the first offence, a sum not exceeding *Ten Pounds*; for the second offence, a sum not exceeding *Twenty Pounds*; and for the third or any subsequent offence, a sum not exceeding *Fifty Pounds*: Provided always, That no information shall be laid or brought for any second or subsequent offence until the expiration of *Fourteen* clear Days from the date of the previous conviction.

- 10 And be it Enacted, That any person or persons occupying any such Waste Lands under such license as aforesaid, which shall have been granted without fee or payment for the same, shall pay by the year such a sum, not exceeding *One Penny* for every sheep, and *Three-pence* for every horse and head of horned cattle depastured upon the
15 Waste Lands of the Crown, as shall be fixed by Her Majesty in Her Privy Council, or by the Governor of such colony with the advice of his Executive Council.

6.
Occupiers of
Waste Lands
to pay Agist-
ment.

- AND whereas in the colony of New South Wales, there are certain Waste Lands of the Crown situate beyond the limits allotted
20 to settlers for location in the said colony, which are now occupied under license, and upon which improvements have been made by and at the expense of the occupiers thereof: AND whereas it is expedient that certain portions of such lands so improved shall be let on lease to the occupiers thereof, without offering the same by public auction
25 to the highest bidder as hereinbefore provided; BE it therefore Enacted, That when any Waste Lands of the Crown, situate beyond the limits allotted to settlers for location in the said colony, shall have been occupied by any person under such license as aforesaid, for a period of not less than *Five* successive Years then next pre-
30 ceding, it shall be lawful for the Governor of the said colony, if he shall think fit, to demise such Lands or any part of such Lands so occupied as aforesaid, to such person for a term of not more than *Seven* Years, at such an annual rent as shall be fixed by the said Governor, by and with the advice of his Executive Council, without offering
35 such lease by public auction to the highest bidder as hereinbefore provided: And provided always, That all leases so to be made and granted shall contain clauses of forfeiture and provisoes for re-entry for non-payment of such rent, or for under-letting or assignment of the whole or any portion of such Lands by such lessee without license in that behalf first obtained from Her Majesty, or such
40 person acting in the name and on the behalf of Her Majesty as aforesaid.

7.
Leases in cer-
tain cases to
be granted
without Auc-
tion in New
South Wales.

And be it Enacted, That, subject to the charges in the recited Act mentioned, which shall be incurred in carrying into effect the pro-

8.
Appropriation of Pro-
ceeds.

visions of that or of this present Act, the gross proceeds of the sums so paid for licenses and for agistment, when such licenses shall have been granted without fee or payment for the same, and of the rents, royalties and other payments to be made and rendered under the provisions of this Act, shall be appropriated and applied to and for the like purposes as the proceeds of the sales of the Waste Lands of the Crown in each of the said colonies are appropriated and applied under and by virtue of the provisions of the said recited Act. 5

9.
Method of
recovering
Seignorage
on Minerals
and Agist-
ment.

Forfeiture of
Depasturing
License in
case of non-
payment of
Agistment.

And be it Enacted, That if at any time the royalties reserved on minerals, or the monies payable for agistment, shall be in arrear and unpaid, the like remedy shall accrue to Her Majesty for recovery thereof by distress, as for the recovery of money rent reserved by lease; and if at any time the yearly sum payable by any person for agistment, under and by virtue of the provisions of this Act, shall be in arrear and unpaid for the space of *Three* calendar Months, the license of such person to occupy such Waste Land as aforesaid shall become forfeited. 10 15

10.
Occupation
under License
not to affect
the rights of
the Crown.

And be it Enacted, That no possession or occupation of any Land, taken or had under or by virtue of any license as aforesaid, shall be construed to give any title whatever against the Crown, or to alter or affect the rights of Her Majesty, Her heirs and successors, in respect to any such Land. 20

11.
Mode of
recovering
Penalties.

And be it Enacted, That the penalties hereinbefore imposed by this Act, where not otherwise provided for, shall be recovered in a summary way before any One or more Justice or Justices of the Peace, upon the information or complaint on oath of any Justice of the Peace, or of any owner or proprietor of land, or of any person holding any lease or license for the occupation of Crown Land, or of any bailiffs or officers appointed by any Justice of the Peace as aforesaid. 25 30

12.
Protection
of persons
acting in
execution of
the Act.

AND for the further protection of persons acting in execution of this Act; BE it Enacted, That all actions or other proceedings for any thing done under this Act, shall be commenced within *Six* calendar Months after the matter complained of was committed, and not otherwise; and notice in writing of such action, and the cause thereof, shall be given to the defendant *One calendar Month* at least before the commencement of the action; and in every such action the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action was brought, or if a sufficient sum of money shall have been paid into court after such action 35 40

action brought, by or on behalf of the defendant, together with costs incurred up to that time; and if a verdict shall pass for the defendant, or the plaintiff become non-suited, or discontinue such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given
 5 against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and although a verdict shall be given for the plaintiff in such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial
 10 shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

And be it Enacted, That no order, judgment or other proceeding made, touching or concerning any of the matters aforesaid, or touching and concerning the conviction of any offender or offenders against this
 15 Act, shall be quashed or vacated for want of form only, or be removed or removable by certiorari, or any writ or process whatsoever, into any superior court of jurisdiction in any such colony.

13.
Proceedings
not to be
quashed or
removed by
Certiorari.

And be it Enacted, That the words "Australian Colonies," as employed in this Act, are intended to describe the same colonies as in
 20 the said recited Act are mentioned, with their respective dependencies, as such colonies are now or shall hereafter be defined and limited, and any other colonies which may hereafter be established, as in the said recited Act they are mentioned; and that the word "Governor," as employed in this Act, is intended to describe the same person as in
 25 the said recited Act; and that the words "Waste Lands of the Crown," as employed in this Act, are intended to describe any lands in the said colonies, whether within or without the limits allotted to settlers for location, and which now are or shall hereafter be vested in Her Majesty, Her heirs and successors, and which have not been already
 30 granted or lawfully contracted to be granted by Her Majesty, Her heirs and successors, to any person or persons in fee-simple, or for an estate of freehold or for a term of years, and which have not been dedicated and set apart for some public use; and in directing any person or thing, any word importing the singular number shall
 35 be construed to mean several persons or things respectively, unless there be something in the subject or context repugnant to such construction.

14.
Definition
of words
"Australian
Colonies,"
"Governor"
and "Waste
Lands."

And be it Enacted, That this Act shall take effect and have the force of law in each of the Australian colonies, from and after a day
 40 to be specified by the Governor of each of such colonies, in some proclamation to be issued by him for that purpose.

15.
Commence-
ment of the
Act.

And be it Enacted, That this Act may be amended or repealed during the present Session of Parliament.

16.
Act may be
altered this
Session.

Waste Land (Australia).

(No. 2.)

A

B I L L

To amend an Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies, and to make further Provision for the Management thereof.

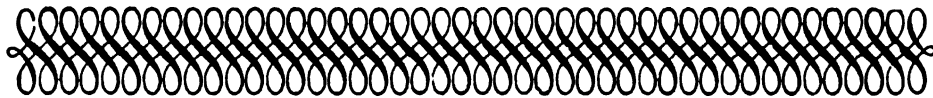
(*Prepared and brought in by*
Mr. G. W. Hope and Mr. Bingham Barrington.)

Ordered, by The House of Commons, to be Printed,
8 August 1845.

645.

Under 1 oz.

17 June 1845.—8 VICT.



A

B I L L

To facilitate the Recovery of Loans made by the West
India Relief Commissioners.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH ~~HEREAS~~ by an Act passed in the Session of Parliament holden in the second and third years of the reign of his late Majesty King WILLIAM the Fourth, intituled, “An Act for enabling his Majesty to direct the Issue of Exchequer Bills to a limited
5 Amount, for the Purposes and in the Manner therein mentioned; and for giving Relief to Trinidad, British Guiana and Saint Lucie,” it was (amongst other things) enacted, that it should be lawful for the Commissioners thereby appointed and their successors, or any Three of them, to advance or lend Exchequer Bills, to the amount therein specified,
10 to the owners of estates which had suffered injury from the causes therein specified, in the Islands of Jamaica, Barbadoes, Saint Vincent and Saint Lucie; and that the said Commissioners should take such security or securities as therein mentioned, for the repayment of any such Advances or Loans, at or before the expiration of
15 Ten Years from the time of such Advances respectively, with interest in the meantime, after the rate of Four Pounds per centum per annum, to be paid in manner therein mentioned; and it was further enacted, that if default should be made in repayment of all or any part of such Loan or Advance, or of the interest thereof, or
20 any part thereof, any person duly authorized by the said Commissioners might enter upon and take possession of the property upon which such Loan should have been charged, and receive the rents, issues and profits thereof until the repayment of such Loan, and the interest thereof, and all costs incidental to such taking possession as therein mentioned; and it was also enacted, that if any
25 default should be made in repayment of all or any part of such Loan or Advance, for which any mortgage should be taken by the said
386. Commissioners

Preamble:
2 & 3 Will. 4,
c. 125.

Commissioners as a security, the said Commissioners, or their attorney or attornies to be appointed for that purpose, upon judgment to be entered up, should take possession of all or any part of the said mortgaged premises, and by sale or mortgage of the same, or a competent part thereof, raise such a sum as should be sufficient to repay all monies due on such Loan or Advance, and the interest thereof, and all costs attending such proceedings :

5 & 6 Will. 4,
c. 51.

And whereas by an Act passed in the Session of Parliament holden in the fifth and sixth years of the reign of his said late Majesty, intituled, " An Act for granting Relief to the Island of Dominica, and to amend an Act of the Second and Third Years of his present Majesty, for enabling his Majesty to direct the Issue of Exchequer Bills to a limited Amount, for the Purposes therein mentioned," the provisions of the last-mentioned Act were extended to the Island of Dominica, so far as the same were applicable :

3 & 4 Vict.
c. 40.

And whereas by an Act passed in the Session of Parliament holden in the third and fourth years of the reign of Her present Majesty, intituled, " An Act to amend two Acts of his late Majesty King WILLIAM the Fourth, for the Relief of certain of Her Majesty's Colonies and Plantations in the West Indies," it was (amongst other things) enacted, that it should be lawful for the said Commissioners for the time being acting in the execution of the said recited Acts, with such consent as therein mentioned, to grant any extension of the time limited for the repayment of any such Loan or Advance as aforesaid, for any period not exceeding Ten Years from the day originally fixed for payment thereof, with interest after the rate aforesaid, so that every such extension of time be made on certain conditions therein mentioned, as to the mode of repayment of such Loan, and also subject to an absolute power of sale of the hereditaments charged with any such Loan to be vested in Her Majesty, Her heirs and successors, in manner therein mentioned :

7 Vict. c. 17.

And whereas by an Act passed in the seventh year of the reign of Her present Majesty, intituled, " An Act for giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the West Indies," after repealing and altering certain of the provisions contained in the last-recited Act respecting the granting of extension of time, it was by the Act now in recital enacted, that it should be lawful for the Commissioners acting in the execution of the said recited Acts, or any Three of them, to make any transfer of any sum of money secured to Her Majesty by virtue of any security made in pursuance of the said recited Acts respectively, and any interest thereon, and to convey the securities for the same unto or in trust for any person or persons who should pay all principal

cipal monies secured by such mortgage security as aforesaid, and the interest thereon, in manner therein mentioned :

And whereas it is expedient to make some further provisions for facilitating the recovery of the principal and interest of any Loans made or to be made in pursuance of the said recited Acts, or any of them, and for making transfers of the securities for the same, or any part thereof, and also to enable the said Commissioners for the time being to compound any debts due to them or to Her Majesty in respect of any such Loans as aforesaid ;

- 10 ~~BE it Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for the Commissioners for the time being acting in the execution of the said recited
- 15 Acts, or any of the said Acts, or any person or persons for the time being acting under their direction, or any Commissioners in aid appointed as by the said first-recited Act is mentioned, from time to time to make sale of all or any part of any hereditaments which have been or shall be taken possession of by them or him for non-
- 20 payment of any principal or interest in pursuance of the provisions in that behalf in the said Act of the second and third years of the reign of his said late Majesty King WILLIAM the Fourth contained, and (as regards any principal monies due) whether judgment shall have been entered up or not, as by the said last-mentioned
- 25 Act is provided : Provided always, That no such sale shall be made unless for at least *Three* calendar Months previously to such sale there shall have been inserted in the London Gazette, and in such public newspaper or newspapers in the Colony where the property shall be situated, as the said Commissioners shall direct, a notice of the inten-
- 30 tion of the Commissioners to exercise their power of sale ; and any such sale may be made at any time after such *Three* Months' notice shall have been given ; and any such sale may be made subject to such special conditions as to the title or the deeds, copies or other evidences to be produced, the evidence relating to the identity of the
- 35 property sold, and the mode and times of payment of the money, as the said Commissioners, or the persons acting under their direction, or the said Commissioners in aid, shall think fit ; and any contract for sale may be altered or rescinded by the said Commissioners, or such persons respectively as aforesaid, in such manner in all respects as they
- 40 shall think fit ; and any part of the purchase-money may be left on the security of all or any part of the hereditaments sold, or may be secured on any other security, and such securities shall either be made to Her said Majesty, as by the said first-recited Act is provided, and with such powers and priorities as by the said first-recited Act is provided, or
386. otherwise,

1.
If default be made in payment of Loans or Interest, the mortgaged Premises may be sold on certain conditions.

otherwise, as the said Commissioners shall think fit ; and no purchaser or other person shall be bound to inquire whether such possession was taken or any monies were due on the security of the said hereditaments sold ; and any such monies (when any such sale shall be made out of England) may be paid to such person or persons as the said Commissioners shall either before or after such sale authorize to receive the same, whose receipts in writing shall be sufficient discharges to the persons paying the same ; but any monies due on any security to be made as last aforesaid shall be paid into the Bank of England in manner directed by the said first-recited Act ; and any securities which may be taken for any part of such purchase-money may be released or otherwise transferred by the said Commissioners, in all respects as if the same were an original security taken under the said recited Acts.

2.
Commis-
sioners may
transfer por-
tions of
Securities.

And be it Enacted, That it shall be lawful for the Commissioners for the time being, acting in the execution of the said recited Acts, from time to time to make any transfer of any part of any sum or sums of money secured to or owing to Her Majesty, under or by virtue of any security made in pursuance of the said recited Acts, or any of them, and either before or after such sum or sums shall be actually due, and any interest thereon, and to convey and assure or declare trusts of such proportionate part, either undivided or in severalty, as they the said Commissioners shall think fit, of the securities for the same sum or sums, unto or in trust for any person or persons who shall pay and discharge any part of the principal monies due or secured by such mortgage security as aforesaid, and the interest thereon ; and any such sum or sums of money to be paid in consideration of such transfer as aforesaid shall be paid into the Bank of England, and in all respects as by the said first-recited Act is provided with respect to the repayment of the monies to be secured by virtue of the provisions of that Act ; and the person or persons to whom any such transfer or disposition as aforesaid shall be made, his or her heirs, executors, administrators and assigns, shall under and by virtue thereof, to the extent to which the same shall be thereby conceded or granted by the said Commissioners, be entitled to all such and the same priorities, privileges, powers and securities in respect of such monies and hereditaments so transferred and assured as by the said recited Acts or any of them are given to Her Majesty, or the said Commissioners, or any of them, or which Her said Majesty, Her heirs and successors, or the said Commissioners acting in the execution of the said recited Acts would have had in case no such transfer had been made, and that either subject and without prejudice to or concurrently with, or with priority over the priorities, privileges, powers and rights of Her said Majesty, Her heirs and successors, and of the said Commissioners, or any other persons to whom any other part of the monies or securities may be transferred

ferred and assured, in respect of the residue of any such principal monies, and the interest thereof, and the securities for the same which shall remain due to and vested in Her said Majesty, Her heirs and successors, or the said Commissioners, or be so transferred and assured as aforesaid.

And be it Enacted, That it shall be lawful for the Commissioners for the time being acting in the execution of the said recited Acts, with the consent, in writing, of the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any *Three* of them, by warrant under his or their hand or hands, to compound any debt or debts on account of any Loan or Advance made or hereafter to be made under or in pursuance of the said recited Acts, or any of them, and to stay any proceedings for the recovery of the same, upon payment of such sum or sums of money, and upon such terms and conditions as they may think fit, such sum or sums of money to be paid into the Bank of England in all respects as by the said first-recited Act is provided with respect to the repayment of the monies to be secured by virtue of the provisions of that Act; and that upon any such payment being duly made as aforesaid, it shall be lawful for the said Commissioners acting in execution of the said recited Acts, to make and execute such releases and reconveyances of the debt which shall have been so compounded as aforesaid, and the interest thereof, and the securities for the same, as if the full amount of the debt so compounded, and all interest for the same, had been duly paid and discharged.

3.
Commissioners may compound Debts with consent of Treasury.

And be it Enacted, That any act, matter or thing hereby authorized to be done may be done by any, *Three* of the said Commissioners for the time being, and that the execution of any deed or instrument, either in pursuance of this Act or of any of the said recited Acts, and whether already executed or hereafter to be executed, referring to or reciting any warrant, authority or assent of the Lord High Treasurer, or of *Three* of the Commissioners of Her Majesty's Treasury, either made in pursuance of this Act, or of any of the said recited Acts, shall be evidence of such authority or assent, and the execution of any deed or other instrument already executed or hereafter to be executed, purporting to be executed by the said Commissioners or any *Three* of them, shall be taken as evidence that such Commissioners so executing were duly appointed.

4.
Three Commissioners may act.

And be it Enacted, That all and every the several clauses, powers, provisions, enactments, penalties and restrictions in the said Acts contained, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to every thing

5.
Provisions of recited Acts to extend to this Act.

to be done in pursuance of this Act, and as if all such clauses, powers provisions and enactments were herein repeated and set forth.

6.
Act may be
altered this
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

West India Islands Relief.

A

B I L L

To facilitate the Recovery of Loans made by the
West India Relief Commissioners.

(Prepared and brought in by
*Mr. Chancellor of the Exchequer and
Mr. Cardwell.*)

*Ordered, by The House of Commons, to be Printed,
17 June 1845.*

386.

Under 1 oz.

Whitehaven and Furness Junction Railway Bill.

AMENDMENTS MADE BY THE LORDS

TO THE

Whitehaven and Furness Junction Railway Bill.

- Pr. 6. l. 11. Leave out " member " and insert " number. "
- Pr. 9. l. 30. Leave out from " acres " to " and " in Press 10, line 2.
- Pr. 11, la. After " respectively " insert Clauses (A.), (B.), (C.), (D.), and (E.)
21 & 22.
- l. 24. Leave out " Seven " and insert " Six. "
- Pr. 19. l. 37. Leave out from " stream " to " and " in Press 21, line 21.
- Pr. 22. l. 36. After " thereof " insert " of. "
- Pr. 24. l. 37. After " his " insert " said. "
- Pr. 27. l. 2. After " Lancaster " insert Clauses (F.) and (G.)

CLAUSE (A.)
Defining the
mode of
crossing the
Duddon
Estuary.

And be it Enacted, That the said Railway shall cross the Duddon Estuary from Crabmarsh to Ireleth upon an arched embankment or open piling, whichever the Commissioners for executing the office of Lord High Admiral may in writing, under the hand of the Secretary of the Admiralty, approve of, and in a suitable and proper part of the embankment or open piling the said Company shall construct a swing or drawbridge; and the extent of the arched embankment or open piling, and the span of the arches of the embankment, or the opening of the piling, and the dimensions, construction and site of the said swing bridge, shall be such as the said Commissioners shall approve of as aforesaid, unless the said Commissioners shall, by writing under the hand of the Secretary of the Admiralty, otherwise direct.

CLAUSE (B.)
Regulating
the Naviga-
tion of the
Duddon
River, and
Penalty for
detaining
Vessels.

And be it Enacted, That it shall not be lawful for the Company, or any person or persons acting under them, to detain any vessel, barge or boat navigating the Duddon River, for a longer space of time than may be sufficient to admit of any carriages or trains regularly traversing the said Railway, and approaching the said swing or draw-bridge, ~~to cross the said river,~~ and for opening the said bridge, to admit such vessel, barge or boat to pass; and in case the Company, or any person or persons acting under them, shall detain any vessel, ~~barge or boat contrary to the provisions of this Act,~~ the offender shall

in every such case forfeit and pay the sum of Ten pounds ; but nothing in this Act contained shall prevent any remedy for damages which any party may sustain in respect of any such detention as aforesaid.

CLAUSE (C.)
Regulating
the Naviga-
tion during
the con-
struction and
repair of the
Swing
Bridge.

And be it Enacted, That during such time or times as the embankment and swing bridge shall be building or repairing, the said Company or their successors shall and they are hereby required to keep the navigation of the said river at and about the said embankment and swing bridge free and clear, so that the vessels navigating in and upon the said river may have sufficient and convenient room to navigate and pass thereon, and that during the construction, and ever after the completion of the said swing bridge, the said Company shall cause to be hung out or exhibited every night, from sunset to sunrise, a sufficient light to be kept burning at the Company's expense, on or immediately adjoining to the said bridge for the navigation and safe guidance of vessels ; and in case the said Company shall neglect to exhibit and keep such light burning as aforesaid, they shall be liable to forfeit and pay for every such neglect the sum of Twenty pounds.

CLAUSE (D.)
For securing
the main
stream by
Sea-walls.

And be it Enacted, That the Company shall deepen, straighten and secure by sea-walls the main stream, both above and below the said embankment, to such an extent as the said Commissioners may, by writing, under the hand of the Secretary of the Admiralty, appoint, so that the navigation of the Duddon Estuary may not be interrupted ; and the said sea-walls shall be for ever kept in repair by and at the expense of the Company.

CLAUSE (E.)

And be it Enacted, That the powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of Three years from the passing of this Act.

CLAUSE (F.)
Compensation
to be paid to
the Com-
missioners of
Woods in
respect to the
Property of
Her Majesty
in right of
Her Crown.

AND whereas The QUEEN's most Excellent Majesty, in right of Her Crown, is or claims to be entitled to or interested in certain lands proposed to be taken and used for the purposes of this Act ; BE it Enacted, That the said Company shall and they are hereby required to pay to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being, for and on behalf of Her Majesty, a full and fair price for such lands, and also a full and fair compensation for any damage, loss, injury or inconvenience, whether temporary, perpetual, or recurring, and whether arising by or by means of severance or otherwise which any lands of Her Majesty in right of Her Crown shall or may sustain by reason or in consequence of the construction of any works, matters and things done or to be done under the authority of this Act, or in any way connected therewith,

with, and that it shall not be lawful for the said Company to enter upon, take, hold or use any lands of Her Majesty in right of Her Crown, until the price or compensation to be paid by the said Company for the same shall have been settled and agreed upon between the said Commissioners for the time being on behalf of Her Majesty and the said Company; and until such price has been paid by the said Company to the said Commissioners for the time being for the use of Her Majesty, and a conveyance of the said lands to the said Company has been duly executed, enrolled, entered and perfected under the authority of the Act or Acts of Parliament now in force in relation to the sale, management or improvement of the Land Revenues of Her Majesty in right of Her Crown: Provided always, That in case the said Commissioners and the Company shall differ in opinion with regard to such price or compensation, then and in that case the said Commissioners shall, within Twenty days after they shall be required so to do by writing under the hands of any Two or more of the Directors for the time being of the said Company, name Three Surveyors; and the said Company shall thereupon within Ten days from the receipt of the names of such Three Surveyors give notice in writing to the said Commissioners under the hands of any Two or more of such Directors which of such surveyors the said Company elect to be the arbitrator between them and the said Commissioners, to fix the price or compensation to be paid by the said Company to the said Commissioners on behalf of Her Majesty; and thereupon the matters in difference between the said Company and the said Commissioners shall be referred to such surveyor, whose award and determination thereon, if made in writing under his hand, within such reasonable time as the said Commissioners shall direct, shall be binding and conclusive upon the said Commissioners and on the said Company: Provided also, That the costs of the conveyance to the said Company, and of the enrolment and entry thereof, and the charges and expenses incurred by or on behalf of the said Commissioners in ascertaining and settling the price or compensation to be paid to Her Majesty as aforesaid, shall be borne and paid by the said Company.

CLAUSE (G.)
Nothing in
the Act to
lessen the
powers of the
Commissioners of
Woods.

Provided always, and be it Enacted, That nothing in this Act or in the Acts incorporated herewith, or either of them, contained, shall extend to abridge, lessen or abrogate any of the powers or authorities by law vested in the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings.

**Whitehaven and Furness Junction
Railway Bill.**

AMENDMENTS

MADE BY THE LORDS

TO THE

**Whitehaven and Furness Junction
Railway Bill.**

*Ordered, by The House of Commons, to be Printed,
4 July 1845.*

448.

Under 1 oz.

